

Conservation Commission
COHASSET TOWN HALL
41 HIGHLAND AVENUE
COHASSET, MA 02025



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APPROVED MINUTES
COHASSET CONSERVATION MEETING
DATE: MAY 20, 2021 TIME: 6:30 PM
PRESENTED ON A ZOOM PLATFORM

In Attendance:

Kathy Berigan, Secretary
Trish Grady, Member
Chris Macfarlane, Chair
Justin Pimpare, Member
M. Wetherald, Vice Chair

Staff in Attendance:

Steve Ivas, Interim Agent
Angela Geso, Recording Secretary

Absent:

E. Eisenhauer, Member

6:30 PM: Meeting Called to Order
Roll Call Attendance: K. Berigan-aye; P. Grady -aye-; C. Macfarlane -aye-; J. Pimpare – aye-; M. Wetherald – aye; T. Bell-aye

6:35 PM: Discussion: Select Board's Attorney RFQ

The Select Board has a request out for a new legal firm to represent the town and is soliciting input on what various boards and commissions would like to see in legal services. The Conservation Commission would like to see timely responses to emails and requests, guidance in running effective meetings, help with crafting and updating bylaws, assistance with writing decisions and responses, expertise in environmental laws and participation in meetings.

6:45 PM: Discussion: 44 Border St – Old Salt House/Sea Wall

Chair Macfarlane was told by Building Superintendent John Hallin that the applicant at 44 Border Street is submitting a building application showing that the means and methods of reconstructing the sea wall have changed. MA Division of Fisheries and Wildlife approved the changes. Chair Macfarlane is concerned with differences between the original Order of Conditions from December 2019 and an amended Order of Conditions endorsed by Mr. Hallin. Interim Conservation Agent Steve Ivas and Town Counsel Karis North in May 2021. Member Pimpare was concerned that some items requested in the original Order of Conditions have not been followed, including installation of a coffer dam. He said the minutes of December 19, 2019 did mention a coffer dam but it was not part of the Order of Conditions. Mr. Ivas said if a condition is not in the OOC it is not considered legal and not required of the applicant and once the OOC is signed by the commission the contents are considered to be legal.

6:55 PM: SWP 21-11: 10 Ocean Ledge Dr – (continued to 6/3/21 per applicant request)

7:15 PM: NOI 21-14, SWP 21-15: Lot F & G, Rust Way – New Construction (con't from 4/8/21)

In attendance to represent agenda item: Mike Stevens/Applicant; John Zimmer/Wetlands Scientist; Attorney Adam Brodsky; Jim Riordan/Weston & Sampson Engineers; Brad Holmes/ Environmental Consulting and Restoration; Jeff Hassett/Morse Engineering; Sean Papich/Landscape Architect

Documents presented to support agenda item: Peer Review Document, Revised Site Plans
Mr. Riordan prepared the peer review document and agreed with the delineations done by Mr. Hassett. Interim Conservation Agent Steve Ivas was also in complete agreement with the peer review. Mr. Hassett stated there is no work being done within the 50-ft. buffer zone and the Cultec system is 2-feet below

surface which is required for stormwater. Mr. Stevens said the ledge will be removed by chipping and the left side of the new dwelling will be set onto ledge.

MOTION: By Member Pimpare to close the public hearing for NOI 21-14 and issue an Order of Conditions for proposed work at Lot F & G, Rust Way with the condition that no work will be done within the 50-ft. buffer zone.
SECOND: By Vice Chair Wetherald
ROLL CALL VOTE: K. Berigan – Aye; T. Grady – Aye; C. Macfarlane – Aye; J. Pimpare – Aye; M. Wetherald - Aye
MOTION PASSES: 5-0 Unanimous

MOTION: By Member Pimpare to close the public hearing and issue Stormwater Permit 21-15 with the condition that no work will be done within the 50-ft. buffer zone.
SECOND: By Vice Chair Wetherald
ROLL CALL VOTE: K. Berigan – Aye; T. Grady – Aye; C. Macfarlane – Aye; J. Pimpare – Aye; M. Wetherald - Aye
MOTION PASSES: 5-0 Unanimous

7:35 PM: NOI 21-20, SWP 21-18: 147 South Main Street – Redevelopment (con't from 5/6/21)

In attendance to represent agenda item: Dick Rockwood/Architect; John Schiavo/Owner; Jeff Hassett/Morse Engineering; Attorney Adam Brodsky

Documents presented to support agenda item: Site Plans; Letter from Abutter Nader Afshmar
Interim Agent Ivas suggest the Order of Conditions should include subsurface and groundwater sampling but Town Counsel North advised that unless the request is from the Planning Board or Board of Health there is no law that allows the Conservation Commission to order this. Mr. Ivas explained that the site was an auto servicing facility dating back to the 1940's and solvents and lighter liquids could possibly show up with testing. Attorney Brodsky said this is not under Conservation's purview and that DEP reviewed the site and found nothing of concern. Mr. Hassett feels the rain garden should capture runoff and any overtopping will go to a riprap spillway that leads to a catch basin. Invasive growth is rampant on the property and will need to be removed. Attorney Brodsky suggested that a condition could be added to the Order of Conditions stating that any system for removing invasives should be approved by the chair or chair delegate prior to starting any work.

MOTION: By Member Pimpare to close the public hearing for NOI 21-20 and issue and Order of Conditions for work proposed at 147 South Main Street with the following conditions: all documents including Stormwater Management Manual be included in the Order of Conditions by reference, and removal of invasives using pesticides be approved prior to application by Conservation Commission chair or chair delegate.

SECOND: Vice Chair Wetherald
ROLL CALL VOTE: K. Berigan – Aye; T. Grady – Aye; C. Macfarlane – Aye; J. Pimpare – Aye; M. Wetherald - Aye
MOTION PASSES: 5-0 Unanimous

MOTION: By Member Pimpare to issue a variance for NOI 21-20 for work within the 50-ft. buffer zone at 147 South Main Street.
SECOND: Vice Chair Wetherald
ROLL CALL VOTE: K. Berigan – Aye; T. Grady – Aye; C. Macfarlane – Aye; J. Pimpare – Aye; M. Wetherald - Aye
MOTION PASSES: 5-0 Unanimous

MOTION: By Member Pimpare to issue Stormwater Permit 21-18 for work proposed at 147 South Main Street.
SECOND: Member Grady

ROLL CALL VOTE: K. Berigan – Aye; T. Grady – Aye; C. Macfarlane – Aye; J. Pimpare – Aye;
M. Wetherald - Aye
MOTION PASSES: 5-0 Unanimous

7:55 PM: NOI 21-19: 7 Marion Way – Septic Upgrade (con't from 5/6/21)

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

Documents presented to support agenda item: Revised Design Plan

A wetlands to the southeast of the property that had not been noted was added to the plan. Mr. Hassett said he had relied on previous delineations and this wetland was under a snow cover and wasn't detected in January. There will be some trenching work within the 50-ft. buffer zone. The leaching field is sited in a disturbed area within a wooded area.

MOTION: By Member Pimpare to close the public hearing for NOI 21-19 and issue an Order of Conditions for a proposed septic upgrade at 7 Marion Way.

SECOND: Member Grady

ROLL CALL VOTE: K. Berigan – Aye; T. Grady – Aye; C. Macfarlane – Aye; J. Pimpare – Aye;
M. Wetherald - Aye

MOTION PASSES: 5-0 Unanimous

MOTION: By Member Pimpare to issue a variance for NOI 21-19 for work within the 50-ft. buffer zone at 7 Marion Way.

SECOND: Member Grady

ROLL CALL VOTE: K. Berigan – Aye; T. Grady – Aye; C. Macfarlane – Aye; J. Pimpare – Aye;
M. Wetherald - Aye

MOTION PASSES: 5-0 Unanimous

8:05 PM: SWP 21-06: 32 Windy Hill – (con't to 6/3/21 per applicant request)

8:30 PM: Discussion: 83 Spring Street – Widening of Driveway

Interim Agent Ivas saw a huge enforcement issue with filling in of wetlands going on at the site. The owner is in violation of the Massachusetts Stream Crossing Standards. Member Pimpare wants to issue an enforcement order on the property with conditions for a proper stream crossing and for minimizing the impact of gravel into the wetlands and to cease all work until this matter is resolved.

MOTION: By Member Pimpare to issue an enforcement order to clean up the site at 83 Spring Street with the following conditions:

- Owner must provide a design of stream crossing compliance from the Massachusetts Streams Crossings Handbook-June 1912
- The impact of gravel going into the wetlands must be minimized
- Silt sock must be reinstalled to prevent gravel from building up
- All work must be completed by August 20, 2021 or owner will be fined \$300 for every day the work is not completed

SECOND: By Vice Chair Wetherald

ROLL CALL VOTE: ROLL CALL VOTE: K. Berigan – Aye; T. Grady – Aye; C. Macfarlane – Aye; J. Pimpare – Aye; M. Wetherald - Aye

MOTION PASSES: 5-0 Unanimous

MOTION: By Member Pimpare to issue a 'cease and desist' order to stop any work other than what is being done to comply with the enforcement order.

SECOND: Member Grady

ROLL CALL VOTE: ROLL CALL VOTE: K. Berigan – Aye; T. Grady – Aye; C. Macfarlane – Aye; J. Pimpare – Aye; M. Wetherald - Aye

MOTION PASSES: 5-0 Unanimous

Staff is instructed to notify the owner by certified mail of the enforcement order and to request their

presence at the next scheduled Conservation Commission of Thursday, June 3, 2021.

8:40 PM: Discussion: Lot C, Dolan Lane – Violations

Owner Donald Staszko did unpermitted tree removal and other work at Lot C, Dolan Lane. To date, there has been no application filed for a building permit. The owner was allowed to remove gravel from the site and has so far complied with the commission's demands.

Conservation Commission Business

Interim Agent Update:

Mr. Ivas spoke with Tanya Bodel of 188 South Main Street regarding two large dead trees on her property that she would like have removed. Mr. Ivas said she could remove them and send staff a follow-up written request for the work.

Topics not reasonably anticipated within 48 hours

Harbor Wall - Repairs were being done to the harbor sea wall at 44 Border Street by the Cohasset Department of Public Works without a permit. Interim Agent Ivas did a site visit and was told by the DPW workers that they had no idea they needed to file an application. Mr. Ivas suggested to DPW Director Brian Joyce to consider a Generic Letter of Intent which Mr. Ivas said is state regulated and would cover the work being done.

44 Border St: Member Pimpare would like to have a third party to monitor the work at the site, per the Order of Conditions. Interim Agent Ivas will work with the Owner to have a third party monitor on site.

With no further business to discuss motion to adjourn made by Member Pimpare, 2nd by Member Grady and approved by roll call vote: K. Berigan – Aye; T. Grady – Aye; C. Macfarlane – Aye; J. Pimpare – Aye; M. Wetherald - Aye
Motion passes 5-0 Unanimous

Meeting adjourned at 10:30 pm.