



**APPROVED MINUTES**  
**CONSERVATION COMMISSION MEETING MINUTES**  
**THURSDAY, AUGUST 12, 2021**  
**PRESENTED ON A ZOOM PLATFORM**

**IN ATTENDANCE:**

Chris Macfarlane (CM), Chair  
Justin Pimpare (JP), Vice Chair  
Kathy Berigan (KB), Secretary  
Trish Grady (TG), Member  
Eric Eisenhauer (EE), Member  
Tom Bell (TB), Associate Member

**CONSERVATION STAFF:**

Steve Ivas (SI), Interim Conservation Agent  
Angela Geso, Administrative Ass't/Recording Secretary  
Meghan Damiano, ZOOM Coordinator

**6:30 PM: Call to Order**

**Roll Call Attendance:** C. Macfarlane – Aye; J. Pimpare-Aye; K. Berigan – Aye;  
T. Grady – Aye; E. Eisenhauer – Aye; T. Bell – Aye (*5 Voting Members Present*)

**Minutes for Approval:**

**3/11/21:** Motion by Vice Chair Pimpare to accept the minutes for 3/11/21 as presented, 2<sup>nd</sup> by Member Berigan, approved 4-0-1 (Roll Call Vote: MacFarlane -Aye; Pimpare-Aye; Grady-Aye; Eisenhauer-Aye; Berigan-Aye; Eisenhauer-Abstain)

**5/6/21, 6/17/21, 7/1/21:** Motion by Vice Chair Pimpare to accept the minutes for 5/6/21, 6/17/21, 7/1/21 as presented, 2<sup>nd</sup> by Member Eisenhauer, approved 5-0 unanimous: (Roll Call Vote: MacFarlane -Aye; Pimpare-Aye; Grady-Aye; Eisenhauer-Aye; Berigan-Aye; Eisenhauer-Aye)

**6:35 PM: Show Cause/Enforcement: 83 Spring Street –Driveway (con't from 7/15/21)**

**In attendance to represent agenda item:** Greg Morse/Morse Engineering; David Won/Owner

**Documents Submitted to support agenda item:**

On May 24, 2021, the Conservation Commission placed an Enforcement Order for work being done at 83 Spring Street in violation of the Wetlands Bylaw and the Massachusetts Stream Crossing Standards and demanded that all work must "*cease and desist*" until "*proper action can be taken to prevent any more disturbances to the wetlands area*". Unpermitted widening of the driveway results in gravel and sediment entering the wetlands area and negatively impacting areas protected under the Wetlands Bylaws. The following conditions applied:

- The design of the stream crossing should be in compliance with state standards as described in the MA Stream Crossing Standards handbook.
- The only work being done should be to minimize the impact of gravel and sediments going into the wetlands.
- A silt sock needs to be reinstalled to prevent gravel from building up in the wetlands.
- All work must be completed by August 20, 2021 and must be to the satisfaction of the

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Conservation Agent.

- According to town bylaws, a fine of \$300 per day will accrue as of August 21, 2021, if work is not completed in the designated time.

To date, all the items have been addressed to the satisfaction of the Commission and the Interim Agent. The erosion control barrier has been restored; stones in the wetlands along the length of the driveway have been removed; the work has been completed to satisfactory conditions and was done by the deadline of 8/21/21 stated in the Enforcement Order. To relieve the Enforcement Order, Mr. Ivas said that the owner has to file a new Notice of Intent and the enforcement will be taken off the deed. Mr. Pimpare said the owner also needs to file a Stormwater Permit for home construction. If the proposed home is within 100-ft. of a Bordering Vegetated Wetland (BVW) then a new NOI will be required. Mr. Morse is in agreement with this and Mr. Won is aware that he will have to come before the commission and file a Stormwater Permit as he intends to further develop the site.

**MOTION:** By Vice Chair Pimpare to lift the Enforcement Order per the applicant's complying with the August 20, 2021 deadline.

**SECOND:** Member Grady

**ROLL CALL VOTE:** 4 -0-1 C. Macfarlane – Aye; J. Pimpare-Aye; K. Berigan – Aye; T. Grady – Aye; E. Eisenhauer – Abstain

**MOTION PASSES:** 4-0-1 (1 Abstention)

**6:45 PM:** **SWP 21-19: 808 CJC Hwy– Commercial Redevelopment** (*con't from 7/29/21*)

**In attendance to represent agenda item:** Greg Morse/Morse Engineering; Todd Amelang/Applicant

**Documents Submitted to support agenda item:** SWP application, Grading and Utility Plans

The applicant is adding pervious (porous) asphalt and infiltration trenches along the perimeter of the site. A third party review requested by the Planning Department was done by Pat Brennan of Amory Engineering showing that the site complies with ten (10) DEP Stormwater standards and the Cohasset Stormwater Bylaw. The Planning Board is reviewing the traffic study but Mr. Morse anticipates no additional changes to the Stormwater Permit and feels the permit should be issued. The east side of the property is being slightly elevated based on test pits performed at the front and rear of the site to provide space between groundwater and the infiltration system and septic design. Mr. Ivas approves of material layered below the porous asphalt, including crushed stone and gravel, that allows water to infiltrate into soil underneath the parking area. Member Eisenhauer asked if the porous asphalt functions in winter when moisture permeates and freezes. Mr. Morse explained that the layer at the ground surface is extremely porous and allows water to pass through and that along the edges of the site a crushed stone surface is brought up to the ground surface. In addition, a trench connects to the subsurface of the parking area.

**MOTION:** Made by Vice Chair Pimpare to issue Stormwater Permit 21-19 with the condition that the parking area be inspected and approved before the next are applied.

**SECOND:** Member Grady

**ROLL CALL VOTE:** 5-0 C. Macfarlane – Aye; J. Pimpare-Aye; K. Berigan – Aye; T. Grady – Aye; E. Eisenhauer – Aye

**MOTION PASSES:** Unanimous 5-0

**7:00 PM:** **RDA 21-09: 140 Lamberts Lane – Septic Upgrade** (*con't from 7/29/21*)

**In attendance to represent agenda item:** Greg Morse/Morse Engineering;

**Documents Submitted to support agenda item:** RDA Application & Design Plan

The existing septic system failed the Title V inspection and will need an upgrade. The plan is to reuse the existing tank but relocate the leaching field with the proposed work out of the 50-ft. buffer

zone. On 6/17/21, John Zimmer of Merrill Engineering flagged a Bordering Vegetated Wetland (BVW) to the rear of the property. Mr. Ivas did a site visit and was satisfied with the delineation line and the location of the leaching field. Mr. Bell is concerned with a perennial stream running west to east on the property and connecting two (2) sections of wetlands. He said the Board of Health requires a denitrifying system and there should be a 200-ft. buffer zone. Mr. Morse said that there is no indication of a perennial river on the plan and that septic repairs are exempt from riverfront standard and the plan has already been approved by the Board of Health. Vice Chair Pimpare said due to ledge outcroppings there is no other location for the system and the work as outlined will be an improvement.

**MOTION:** By Vice Chair Pimpare to close the public hearing for Request for Determination of Applicability 21-09 and issue a Negative 2 determination for proposed work at 140 Lamberts Lane.

**SECOND:** By Member Grady

**ROLL CALL VOTE:** C. Macfarlane – Aye; J. Pimpare-Aye; K. Berigan – Aye; T. Grady – Aye; E. Eisenhauer – Abstain

**MOTION PASSES:** 4-0-1 (1 *Abstention*)

**7:15 PM:** **NOI 21-01: 62 Whitehead Road – Minor Modification** (*con't from 7/29/21*)

**In attendance to represent agenda item:** Greg Morse/Morse Engineering;

**Documents Submitted to support agenda item:** NOI App and Site Plan

A requested amendment to the site plan on a previously approved project reflects the revised plan. The house is sited on a raised knoll and there are several wetlands around the site and Bordering Vegetated Wetlands (BVW) on either side of the home. The applicant is seeking an amendment to the original site plan to reduce the size of the parking area from 401-sq. ft. to 259-sq. ft. to reduce the amount of impervious surface. A small section of an existing retaining wall will be extended to connect with the underside of a raised porch. The number of shrub plants has been reduced. The driveway is being pulled back and sixteen (16) maple trees remain from previously mitigated trees. Three (3) trees were removed from the back of the site. The limit of work is the same and the tennis court has been removed. The applicant wants to regrade and re-establish the lawn area with ledge outcrops being mixed with grass. Mr. Morse stated there is adequate soil at the tree location with outcrops to the left and right.

**MOTION:** Made by Vice Chair Pimpare to close the public hearing for Notice of Intent 21-01 and amend the current Order of Conditions for 62 Whitehead Road to reflect the updated site plan dated 7/23/21.

**SECOND:** Member Grady

**ROLL CALL VOTE:** 5-0 C. Macfarlane – Aye; J. Pimpare-Aye; K. Berigan – Aye; T. Grady – Aye; E. Eisenhauer – Aye

**MOTION PASSES:** Unanimous 5-0

**7:25 PM:** **NOI 21-22: 49 Margin St – Raise Boathouse and Garage** (*con't from 7/29/21*)

**In attendance to represent agenda item:** Paul Brogna/Seacoast Engineering; John Butler/Applicant; Abutters Andy Whitney and Rick Shea

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

There is an existing garage and boat house in the flood plain at elevation 7.1+. The proposed plan is to take the existing facilities and bring them up 3-ft. to 3.5-ft. raised from 7.1 to 11.3. The foundation will be removed and replaced with an open wooden pile foundation which will let stormwater wash through in a natural configuration. There will be no grade changes. The inside garage work is intended to bring the elevation inside the flood zone. Drainage will be away from the resource area and out of the buffer zone. A small portion of the runoff will drain to a grassy area and infiltrate the existing lawn. A catch basin at the west end of the site will capture runoff. Silt socks will be installed

and all vehicle and equipment storage will be outside the buffer zone. When questioned about the size of the proposed concrete drive, Mr. Brogna said the only deviation is to the left of the garage where the retaining wall is proposed and there will be a 4-ft. to 6-ft. reduction in the width of the driveway. A guardrail on the wall and a concrete lip will prevent cars from going over the edge of the driveway. The garage floor will be filled with gravel to meet the required level and a concrete slab will be placed on top of the garage fill. The boathouse has a wooden floor that will be sited at a higher elevation on new piles. Abutter Andy Whitney, 50 Margin Street, is concerned with ocean flooding and feels raising up the current structures will allow greater water flow underneath the building. He said that the serious flooding comes from a wall abutted by a natural channel on a neighbor's property. Mr. Brogna said the property is a line of defense that can handle storm surge conditions and will still capture water and reach the same elevation. There will now be 1,600-sq. ft. of building raised up and he feels the change in water flow and surge would be minimal. Mr. Ivas said the area is Land Subject to Coastal Storm Flowage (LSCSF) and Mr. Pimpare feels it would take a significant storm or rain event to cause major flooding and these events seldomly occur. He stated that close to 90% of the property remains unchanged, the retaining walls will protect the grassy area, the stormwater flows directly over the front yard and he doesn't see the runoff making it's way to Margin Street. Rich Shea, 52 Margin Street, felt the ocean flooding is not being addressed. Chair Macfarlane asked if a change in the drainage patterns would send more runoff to Margin Street but Mr. Brogna said changing the high point will direct drainage on the left of the property to the lower end of the driveway and into a catch basin and to the right where the pier is, water will be redirected away from the resource area and be absorbed into a grassy area. The commission would like to hold a site visit prior to our next meeting and possibly get a survey crew to produce a total contour map.

**HEARING CONTINUED TO 8/26/21; SITE VISIT ON MONDAY, AUGUST 3 AT 8:30 A.M.**

**7:45 PM: NOI 21-21: 33 Stanton Rd – Residential Dock (con't from 7/29/21)**

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

**Documents Submitted to support agenda item:** NOI Application, Revised Plans

Mr. Ivas had requested additional delineation from the Bordering Vegetated Wetland (BVW). He and John Zimmer of Merrill Engineering delineated the line of the saltmarsh and added it to the plans. Mr. Cavanaro went before the Zoning Board of Appeals (ZBA) and his plan was in compliance with the bylaw. The dock itself will measure 237-ft. long. Member Eisenhower feels the dock is out of proportion to the amount of time it will be used and to what type and size craft can be launched but the rest of the commission was agreeable to the size.

**MOTION: Made by Vice Chair Pimpare to close the public hearing for Notice of Intent 21-21 and issue an Order of Conditions for work proposed at 33 Stanton Road.**

**SECOND: Member Grady**

**ROLL CALL VOTE: 4-0-1 C. Macfarlane– Aye; J. Pimpare–Aye; K. Berigan– Aye; T. Grady – Aye; E. Eisenhower – Nay**

**MOTION PASSES: 4-0-1 (Eisenhower in minority)**

**MOTION: Made by Vice Chair Pimpare to close the public hearing for Notice of Intent 21-21 and issue a variance for work within the 50-ft. buffer zone at 33 Stanton Road.**

**SECOND: Member Grady**

**ROLL CALL VOTE: 4-0-1 C. Macfarlane– Aye; J. Pimpare–Aye; K. Berigan– Aye; T. Grady – Aye; E. Eisenhower – Nay**

**MOTION PASSES: 4-0-1 (Eisenhower in minority)**

**8:00 PM:**        **NOI 21-23, SWP 21-26 (Admin): 60 Hobart Lane – Addition**  
**In attendance to represent agenda item:** John Cavanaro/Cavanaro Consulting;  
Suzanne Norris/Applicant  
**Documents Submitted to support agenda item:** NOI Application, SWP Application  
and Site Plans

The applicants are looking to construct a 600 sq. ft. addition to their home. A silt sock will be installed prior to the start of the project to prevent erosion and sedimentation from reaching the adjacent resource area. The silt sock will be maintained throughout the project.

**MOTION:**                **Made by Vice Chair Pimpare to close the public hearing for Notice of Intent 21-23 and issue an Order of Conditions for work proposed at 60 Hobart Lane.**

**SECOND:**                **Member Eisenhauer**

**ROLL CALL VOTE:**    **5-0 C. Macfarlane– Aye; J. Pimpare-Aye; K. Berigan– Aye; T. Grady – Aye; E. Eisenhauer – Aye**

**MOTION PASSES:**    **5-0 Unanimous**

**MOTION:**                **Made by Vice Chair Pimpare to issue Stormwater Permit 21-26 (Administrative) for work proposed at 60 Hobart Lane.**

**SECOND:**                **Member Grady**

**ROLL CALL VOTE:**    **5-0 C. Macfarlane– Aye; J. Pimpare-Aye; K. Berigan– Aye; T. Grady – Aye; E. Eisenhauer – Aye**

**MOTION PASSES:**    **5-0 Unanimous**

**8:20 PM:**        **SWP 21-27: 34 Bancroft Road – Raze and Rebuild Existing Home**  
**In attendance to represent agenda item:** John Cavanaro/Cavanaro Consulting;  
Tracey and Vince Longo/Applicants  
**Documents Submitted to support agenda item:** **SWP app &**

The applicants are proposing to raze and rebuild a two-family home on an existing footprint with a 4-bedroom unit and a 1-bedroom unit as currently exists at 34 Bancroft Road. This is viewed by the commission as a rental property. Some vegetation will be disrupted during construction but will be restored when the work is done. The house is less than 50% of what's allowable with zoning lot coverage and the project exceeds performance standards.,

**MOTION:**                **Made by Vice Chair Pimpare to issue Stormwater Permit 21-27 for work proposed at 34 Bancroft Road.**

**SECOND:**                **Member Eisenhauer**

**ROLL CALL VOTE:**    **4-0-1 C. Macfarlane– Aye; J. Pimpare-Aye; K. Berigan– Aye; T. Grady – Aye; E. Eisenhauer – Nay**

**MOTION PASSES:**    **4-0-1 (Eisenhauer in minority)**

#### **Documents Requiring Signatures or Approval**

- **NOI 19-23 – 61 Nichols Rd – Certificate of Compliance (con't to 8/26/21)**
- **SWP 19-20 – 7 Haystack Lane – Certificate of Compliance (con't to 8/26/21)**

#### **Conservation Commission Business**

**219 Sohier Street:** The Building Department is overseeing this project as the work being done is not under the Conservation Commission's purview. It has been determined that the current owner is responsible for any fees or charges to restore the area.

**390 CJC Highway – Enforcement Discussion, Mixed Use Building:** Erosion controls have not been placed in the proper locations, some off by as much as 25-ft. Vice Chair Pimpare wants to give the owner, Donald Staszko, a time frame to correct the erosion control issue and if the deadline is

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not met, the commission will issue an Enforcement Order on the property deed which would prevent the owner from selling his units until all issues are corrected.

**324 North Main Street:** Vice Chair Pimpare signed the Order of Conditions and gave it to the owner/applicant. Mr. Ivas pointed out that we issue stormwater regulations that, by state guidelines, require a professional engineer to sign Conservation documents and this is not being done. Mr. Bell said that the bylaws state that the Conservation Agent should be a professional engineer but Mr. Ivas said most towns couldn't afford the salary.

**256 North Main Street:** The owner and attorney for this project are trying to get the site separated into two lots to construct a new single family dwelling on one lot and a renovation and addition to an existing dwelling.

**76 Lamberts Lane:** The applicant has submitted a planting plan but no revised site plan as requested by the commission. There has been additional lighting and a drainage pipe installed with no documentation.

**With no further business to discuss, a motion to adjourn was made by Vice Chair Pimpare, 2<sup>nd</sup> by Member Grady and approved unanimously by roll call vote: C. Macfarlane– Aye; J. Pimpare-Aye; K. Berigan– Aye; T. Grady – Aye; E. Eisenhauer – Aye**

**MEETING ADJOURNED AT 10:30 P.M.**