

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



Charlotte Pechtl
Conservation Agent, MPS
Email: cpechtl@cohassetma.org
Office: 781-383-4100 x 5104
Fax: 781-383-1561

Violation Notice

SHOW CAUSE-HEARING & POTENTIAL ENFORCEMENT ACTIONS

80 Howe Road

VIA EMAIL, CERTIFIED MAIL AND FIRST-CLASS MAIL

July 22, 2022

Brett Barthelmeh & Jennifer McCormick
80 Howe Road
Parcel ID: B2-08-037
Cohasset, MA 02025

RE: Stormwater Permit (SWP 16-28) for Work at 80 Howe Road

Dear Mr. Barthelmeh and Ms. McCormick,

The Conservation Commission has expressed concerns regarding current site conditions at 80 Howe Road and maintenance of proper erosion controls to prevent erosion and sedimentation spillage into the street. The reduction of erosion and sedimentation is one of the purposes of the Cohasset Stormwater Management Bylaw § 223 adopted under the Home Rule Amendment of Massachusetts Constitution, 33 U.S.C. §§ 1251 to 1386 (the "Act") and regulations issued pursuant to the Act which are found at 40 CFR 122.34.

The current site conditions of concern include a front and backyard with exposed soils only partially stabilized by weeds and which has not yet been brought up to grade with permanent loam and seed per the approved Site Plan and required landscaping per the approved Planting Plan, a driveway that has not yet been completely installed with exposed soils and gravel only partially stabilizing the downward slope into the street, and damaged erosion control barriers (mulch socks) at the bottom of the property. Although drought conditions are currently ongoing, any changes in weather and rainfall will likely lead to further degradation of the site and increase movement of stormwater and sediment into the street and catch basins, impacting water quality and contributing to increased flooding conditions.

An Operation and Maintenance Plan (O & M Plan) was originally submitted for this Stormwater Permit, which includes specific instructions to implement controls to prevent erosion, control sediment movement, and stabilize exposed soils to prevent pollutants from moving offsite during land disturbance and construction activities. Disturbed areas must be stabilized and protected as soon as possible.

Stabilization measures specified in the O & M must be implemented for disturbed areas when the activity has ceased for more than 14 days, which include temporary seeding, geotextiles, mulching and netting, and permanent seeding. Per Section 4 of the Stormwater Management Rules & Regulations, it is the responsibility of the Applicant (Responsible Party) in the O & M Plan to maintain erosion control throughout the project.

Furthermore, the approved site plan also contains Stormwater Permit Notes that specify: "The contractor shall maintain a clean site and prevent migration of stormwater runoff or sediments onto adjacent properties or the roadway."

On several occasions, it was pointed out that erosion is present, to which the Applicant's contractor made corrections. However, the situation continues repeatedly which is in violation of § 223-2 of the Stormwater Management Bylaw.

The Conservation Commission therefore wishes for the Applicant to appear before the Commission to discuss schedule of completion to permanently stabilize the site and to understand the need for the Commission's continued policing of the situation.

As the owner of the above-mentioned property, the Commission requests that you attend **the July 28, 2022, public hearing at 6:30pm** for a Show-Cause Hearing to discuss this matter. The Show-Cause hearing will be conducted in open session as a scheduled agenda item. The agenda with the call-in information will be made available on the Cohasset Website before the meeting.

If you do not understand the requirements of the Stormwater Management Bylaw, the Conservation Commission will provide information to assist you in complying with the law.

The issuance of Enforcement Orders requiring certain actions on your part and the assessment of monetary fines are options available to the Commission per Stormwater Management Bylaw § 223-13 and may be discussed.

If you have any questions, please feel free to contact me.

Sincerely,



Charlotte Pecht
Cohasset Conservation Agent

Cc:

John Rehm, K & E Construction
Sean Papich, Sean Papich Landscape Design
John Hallin, Cohasset Building Inspector