**Town of Nahant**

**Conservation Commission**

**Meeting Minutes**

**Wednesday May 19, 2021 at 7:30 PM via Zoom**

1. **Meeting Opening**

**Attendance: Tom Famulari, Kristin Kent, Mark Patek, Ellen Steeves, Eden Reiner, Colleen Collins, Henry Hall**

**Kristin Kent: Opened the Meeting of the Conservation Commission at 7:37 PM.**

1. **New Business**
   1. *Request for Determination of Applicability, 163 Wilson Road*
      1. *Remove and replace existing deck in Land Subject to Coastal Storm Flowage*

**John Dick (Environmental Consultant):** The activity consists of repairs or small enlargements to existing structures that are more than 50 feet from the coastal bank. The entrance steps are unsound and are in the process of replacing. The deck on the side of the house has been removed for safety.

**Motion:**

**Tom Famulari:** I move that we issue a Negative Determination

**Mark Patek:** Second

**Roll Call Vote:**

**Tom Famulari:** yes

**Mark Patek:** yes

**Ellen Steeves:** yes

**Eden Reiner:** yes

**Colleen Collins:** yes

**Kristin Kent:** yes

**Henry Hall:** recused

* 1. *Notice of Intent, 74 Willow Road*
     1. *Demolition/renovate existing single family home in Land Subject to Coastal Storm Flowage*

**John:** This is a major renovation of the existing property, however there is only a slight change in the footprint of the deck within Land Subject to Coastal Storm Flowage.

**Mark Patek:** Has anyone made sure where the Town’s drainage easement pipe is? To make sure that the pilings are not going through the town pipes?

**John:** My understanding is that the pipe goes up the lot line.

**Mark Patek:** There is no plans to put anything under the deck correct?

**John:** No

**Motion:**

**Ellen Steeves:** I so move to issue an Order of Conditions for the project.

**Henry Hall:** Second

**Roll Call Vote:**

**Tom Famulari:** yes

**Mark Patek:** yes

**Ellen Steeves:** yes

**Eden Reiner:** yes

**Colleen Collins:** yes

` **Henry Hall:** yes

**Kristin Kent:** yes

* 1. *Request for Determination of Applicability, 11 Emerald Road*
     1. *Construction of an addition and deck in the buffer zone to land Subject to Coastal Storm Flowage*

**Kristen Kent:** There was an addition and now looking to add a deck in the local resource area. All the work is in existing lawn area.

**Motion:**

**Mark Patek:** I move to issue a Negative Determination

**Eden Reiner:** Second

**Roll Call Vote:**

**Tom Famulari:** yes

**Mark Patek:** yes

**Eden Reiner:** yes

**Colleen Collins:** yes

` **Henry Hall:** yes

**Ellen Steeves:** yes

**Kristin Kent:** yes

* 1. *Enforcement Action, 66 Willow Road*
     1. *Unpermitted work within Bordering Vegetated Wetlands and Land Subject to Coastal Storm Flowage*

**Kristin Kent:** On April 29, Mr. Simpson sent an email to me regarding some work he wished to do in wetlands. I did not respond quickly enough and he started doing some work. Some of the neighbors pointed out what was going on. I asked him to stop working because the area is mapped as a floodplain and wetland and is protected by Wetlands Protection Act. Mr. Simpson needs to file with the Commission requesting to make alterations to a wetland or stop work and let it grow back to what it was.

**Mark Simpson:** In my letter I also asked to take trash out of there. Does that count as altering the wetlands?

**Kristen Kent:** Technically yes it does. I think what we probably need to do is have a site visit.

**Colleen Collins:** I second doing a site visit. I understand the phragmites dilemma, it is an invasive species.

**Kristin Kent:** Even if there is Phragmites, it is still a wetland and needs a permit even if you want to make positive change.

**Mark Simpson:** I welcome advice and a visit.

**Susan Gilbert (2 White Way):** The issue goes beyond just Mark clearing the phragmites. His neighbors have systematically cleared the phragmites and extended the lawn. We are concerned about what they do to their lawns because it affects us with ocean storms.

**Kristin Kent:** Let’s set up a site visit

**Colleen Collins:** I second that

**Kristin Kent:** I will set up a couple dates and email them.

**Motion:**

**Mark Patek:** I motion to continue

**Ellen Steeves:** Second

**Roll Call Vote:**

**Tom Famulari:** yes

**Mark Patek:** yes

**Eden Reiner:** yes

**Colleen Collins:** yes

` **Henry Hall:** yes

**Kristin Kent:** yes

**Ellen Steeves:** yes

* 1. *Continued Notice of Intent, 430 Nahant Road (047-0580)*
     1. *Construction of a new building on the existing bunker and two new parking areas and associated appurtenances.*

**Dwight Dunk (Epsilon Associates):** We did receive the peer reviewers’ comments and want to discuss two design items that we talked about at the site visit so we can prepare one package. Shared his screen with a PDF of Northeastern property. Discussed creating a parking lot into a pervious parking lot.

**Colleen Collins:** Asked the specifics of the building occupancy and the reality of how many parking spots are needed. Also questioned the extent of development of the site against what is allowed for wetlands.

**Kristin Kent:** You have come to us before Zoning, and technically should come before us after you have received all permits.

**Mark Patek:** Rather than just declaring it is in compliance, show us the math that adds up to being compliant with zoning.

**Amy Kwesell (Town Counsel):** It would be great to get something in writing from the applicant as to why they are not subject to the Nahant Zoning Bylaw 9.09A which is site plan review for religious and educational uses.

**Colleen Collins:** Should we make a motion to continue this until you have had a chance to address many of the things noted by the peer reviewers?

**Dwight Dunk:** Yes, we want to continue items with you to make sure we are on the same page so we would like to request continuance for the June meeting.

**Motion:**

**Eden Reiner:** I move to continue this to the next meeting

**Colleen Collins:** Second

**Roll Call Vote:**

**Tom Famulari:** yes

**Mark Patek:** yes

**Eden Reiner:** yes

**Colleen Collins:** yes

` **Henry Hall:** yes

**Kristin Kent:** yes

* 1. *Continued Notice of Intent, 430 Nahant Road (047-0582)*
     1. *Replacement of the existing seawater intake lines, pump house and discharge system.*

**Dwight Dunk (Epsilon Associates):** We have received the second round of peer reviews and request continuance to address those. The two items that came up in the site walk was the location of the intake line and OSHA.

**Colleen Collins:** Echoed what Mark Patek said earlier and would appreciate seeing the math behind everything.

*\*The peer reviewers on the call decided to wait to discuss until there is more information\**

**Motion:**

**Mark Patek:** I move to continue this to our next hearing.

**Colleen Collins:** Second

**Discussion:**

**Amy Kwesell (Town Counsel):** When is the date of the next meeting?

**Kristin Kent:** June 16, 2021

**Amy Kwesell (Town Counsel):** Unfortunately, you are going to have to continue to a time, date, and place certain. The State of Emergency is going to end June 15. The Governor may extend the March 15 Open Meeting Law but we are not sure.

**Kristin Kent:** It would be June 16, 2021 at 7:30pm at Town Hall unless otherwise advertised.

**Roll Call Vote:**

**Tom Famulari:** yes

**Mark Patek:** yes

**Eden Reiner:** yes

**Colleen Collins:** yes

` **Henry Hall:** yes

**Ellen Steeves:** yes

**Kristin Kent:** yes

1. **Adjourn**

**Motion:**

**Colleen Collins:** I motion to adjourn

**Henry Hall:** Second

**Roll Call Vote:**

**Tom Famulari:** yes

**Mark Patek:** yes

**Eden Reiner:** yes

**Colleen Collins:** yes

` **Henry Hall:** yes

**Ellen Steeves:** yes

**Kristin Kent:** yes

Meeting Adjourned on May 19, 2021 at 8:25 PM.

Meeting Minutes prepared by Assistant, Olivia Cooke on July 22, 2021

Meeting Minutes approved by the Conservation Commission on September 15, 2021.