

**Town of Nahant
Conservation Commission
Meeting Minutes
Wednesday, May 18, 2022 at 7:00 PM via Zoom**

Meeting Opening

Attendance: Thomas Famulari, Kristin Kent, Mark Patek, Colleen Collins

Kristin Kent: Opened the Meeting of the Conservation Commission at 7:04 PM.

1. Notice of Intent, 12 Spouting Horn Road (047-0595)

Construction of an inground swimming pool, patio and stairwell for water access within Coastal Bank, Land Subject to Coastal Storm Flowage and the buffer zone to Coastal Bank.

Applicant requested a continuance to the June 22, 2022 Con Com Meeting. Commission Chair Kent requests Applicant re-notify abutters.

2. Notice of Intent, Nahant Bay

Eelgrass harvesting for transplantation to Hingham Bay within Land Under the Ocean.

Will be heard at the June 22, 2022 meeting due to the fact that the Division of Marine Fisheries failed to publish the legal advertisement.

3. Request for Certificate of Compliance, 25 Phillips Rd (047-0586)

Request to close out Order for seawall repairs.

Engineer Curtis Cheney P.E, Project Manager, Collins Engineers, Inc., spoke on behalf of the applicant and stated that seawall repairs were completed and the excavator was moved from the beach to the Goffman residence yard restoring an unobstructed right of way along the beach path daily.

Motion:

Patek made a motion to issue a Certificate of Compliance, Collins seconded the motion.

Motion passes unanimously.

4. Request for Determination of Applicability, 138 Wilson Road

Demolition of the existing house and construction of a new house on the same footprint within Land Subject to Coastal Storm Flowage and buffer zone to Coastal Bank.

Tony Roossien, Architect for the project reports that the first floor of the existing house is at 14 ft elevation which is not in compliance with current FEMA elevation requirement of 16 ft. The new construction will raise the first floor to 20 ft. To enter the dwelling, sonotube footings will be installed for a raised deck. Ms. Kent noted that the plot plan does not identify the Town right of way (and parking is where the right of way should be on the plot plan). Photos shared by Mr. Patek during the meeting show a brick wall obstructing the Town right of way. Mr. Roossien acknowledged that the right of way has to be unobstructed all the way to the coastal bank. Mr. Patek requested specifics regarding the extent of impervious material that will be used around the new construction. Ms. Kent wanted to know whether a shed seen on the property will stay, and stated: "a lot of stuff isn't on the plot plan" to which Mr. Roossien

replied; "I totally agree." Mr. Roosien stated that "a decent amount of the space between the house and the garage would be a patio, a decent amount would be grass." Skip stones or pavers were also proposed for the walkway.

Based on the above discussion the Commission put forth the following Conditions:

1. New construction will comply with FEMA flood zone elevation requirements
2. Maintain an unobstructed Town Right of Way to the Coastal bank
3. Submit before pictures documenting the current site
4. May not expand impervious surfaces on the site

Motion: Patek made a motion to issue a Negative Determination with the conditions as outlined above, the motion was seconded by Famulari and passed unanimously.

Other Business:

Review and approval of meeting minutes:

June 16, 2021- Collins made a motion to approve, Patek seconded, motion passed unanimously

March 16, 2022- Patek made a motion to approve, Famulari seconded, motion passed unanimously

April 20, 2022- Collins made a motion to approve, Famulari seconded, motion passed unanimously

Conservation Enforcement Discussion

All members feel this is an issue worth pursuing, that lack of enforcement leads to repetitive violation of the Wetlands Protection Act. Chair Kent shared Community Standards for Enforcement of the Wetlands Protection from Beverly, Danvers, Ipswich, Lynn, Newburyport, Revere, Winthrop, and Marblehead. Famulari asked if a hearing was required; "What's the due process?" Chair Kent will contact the Town Counsel to get recommendations around how the Commission should proceed to enact accountability.

Meeting adjourned at 7:57 PM.

Meeting Minutes prepared by Colleen Collins, Con Com Member

Meeting Minutes will be reviewed and approved by the Conservation Commission on June 15, 2022.