

**Town of Nahant**  
**Conservation Commission**  
**Meeting Minutes**

**Wednesday, November 16, 2022 at 7 pm via Zoom**

**Attendance:** Tom Famulari, Henry Hall, Eden Reiner, Mark Patek, Conservation Agent Kristen Kent, Colleen Collins, and Skylar Tibbets who joined meeting at 7:22 pm

**Chair Tom Famulari called the meeting to order at 7:05 pm**

- 1. Continued Notice of Intent, Nahant Bay Eelgrass harvesting for transplantation to Hingham Bay within Land Under the Ocean-** DMF not in attendance. Conservation Commission will issue and enforcement order for failing to obtain a permit to do harvesting and transplantation in May of 2022 (which ultimately failed). Mark Patek made a motion to issue an enforcement order to request approval for the work after the fact as well as a mitigation proposal. Unpermitted work can be subject to enforcement fines. Chair Tom Famulari seconded the motion which was unanimously approved.
- 2. Notice of Intent, 95 Little Nahant Rd, Request to construct a garage and driveway expansion within Coastal Bank and Buffer Zone-** Peter Rogan of Hayes Engineering represents applicant Shirley Scarpi (who is currently out of the country). Garage is above the Coastal Bank and will be 34 ft X 24 ft to accommodate 3 vehicles with a hallway connected to the main house. A deep sump catch basin will be constructed which will discharge to level spreader with crushed stone and trickle down from the ledge. A 16ft perforated pipe will be embedded in the stone trench. Commission member questions were as follows:
  - Mark Patek notes that this property is not connected to municipal sewage and questions how sewage treatment takes place on this property, Engineer Rogan states he is “unaware” of the sewer location (not shown on the NOI plan). Rogan also states “there’s not enough overburden here for a leeching field.” Town Conservation Agent Kristin Kent recommends the Commission check to see if the family pays a sewer bill.
  - Mark Patek also notes that the garage will add 816 sq ft of impervious surface and according to a storm water bylaw (similar to what Middleton passed in 2022) if you add more than 600 ft of impervious surface the Owner must provide storm water treatment. Will the front portion of the garage drain to the catch basin or to the Coastal bank? Conservation Agent Kent not comfortable with run off going below the coastal bank.
  - Chair Famulari asks; “Will the stone trench be vegetated eventually? It would reduce the velocities of the run off.”
  - Tom Famulari asked what kind of roof is on the garage, the response from the Engineer is a “gable roof” which drains to the Coastal Bank

- Henry Hall made a motion for a continuance which was seconded by Mark Patek and unanimously approved. **Site visit scheduled for Thurs 12/8 at 8 am**

- 3. Request for Permit Extension, 50 Wharf St. (047-0560)- Mass Audubon Sanctuary Dept requests to extend permit for invasive species management and visitor amenities improvements (permit due to expire 12/18)** Eden Reiner made a motion to grant an extension, Henry Hall seconded the motion, which passes unanimously. Kristin Kent will issue the permit and then Mass Audubon can continue their work for the next 3 years.

### **Other Business**

**10/19/22 Meeting Minutes submitted by Kristen Kent were approved** – Mark made a motion to approve which was seconded by Skylar and the motion passed unanimously

**211 Willow Rd Project Update-** Owner Kevin Dwan represented by Andrew Childs Engineering filed a new NOI on 10/18/2022 for the access work for the pier. By law the Commission has to host an open hearing within 21 days, and because we meet monthly, the Owner appealed to DEP to supersede the Nahant Conservation Commission Order of Conditions. Conservation Agent Kristin Kent will draft comments on behalf of the Commission for DEP to review before they issue a ruling. Send comments to Pamela Merrill at the DEP. Public Comment was made by the following abutters:

- Barbara Beatty, 181 Willow Rd- Barbara expresses concern that the work is being done on a very fragile bank and this is a totally different project than what was originally proposed. She fears the damage to the bank and the flora and fauna will be irreparable.
- David Conlin, 171 Willow Rd- David notes that there have been multiple violations to the original Order of Conditions and fears the project is being misrepresented to the DEP. David pointed out just a few of the many violations, one of which is that the original proposal was to drill from above (from a barge) and not bring a drill rig on the bank (which is what they are currently doing). Owner Kevin Duan also previously stated that he would not have a mooring and yet he has 2. David submitted a letter to the Conservation Commission and DEP's Pamela Merrill (see attachment) which details these violations to the original Order of Conditions, most notably Rocky Intertidal Shores, Proposed Alteration 5 sq ft, Permitted Alteration: 5 sq ft, a limitation which was in the NOI (page 4 of 9) and in the Order of Conditions from the beginning, and re-affirmed by the DEP in a letter dated May 8, 2019 stating "approximately five (5) square feet of Rocky Intertidal Shore will be impacted by the installation of steel piles to support the proposed pier" as facts supporting its findings, and appeared in the DEP Order of Conditions issued with that letter on page 4 of 12. In the new NOI dated October 18, 2022, the Applicants Contractor is proposing a project under which the 5 sq ft of Rocky Intertidal Shore impacted would be changed to 795 sq ft.

**Draft Enforcement Fines Schedule-** Mark Patek made a motion to accept the fee schedule as drafted by Conservation Agent Kristin Kent entitled the Nahant Wetlands Bylaw Enforcement (see attachment), the motion was seconded by Colleen Collins, and pending approval by the Town Counsel this document will become an addendum to the Nahant Wetlands Protection Bylaw.

**Northeastern University Update-** NEU has decided to appeal our Order of Conditions for the seawater pumphouse, specifically #62 which requests permission for future growth, an article with the intent to minimize environmental impact by requesting NEU pursue the least impactful approach. NEU wants to preserve their right to build and expand in the future without any environmental alternative analysis seeking the least harm. NEU is asking DEP for a superseding Order of Conditions and they will have to win in Superior Court. Colleen made a motion to keep the original language in the Commissions Order of Conditions -----which NEU originally agreed to-----and Mark Patek seconded the motion, which passed unanimously during a roll call.

Henry Hall made a motion to adjourn the meeting at 9:38 pm, motion seconded by Skylar

Meeting minutes prepared by ConCom member Colleen Collins