

The Patriot Ledger

Conservation Commission says "no" to large Cohasset home

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There's no place like home, but for John Steinmetz and his family, getting there has proved a little harder than just clicking his heels three times.

Instead, this summer, Steinmetz has appeared before the Conservation Commission three times, working with lawyers and consultants to jump through hoops and navigate tangles of red tape to demonstrate that the home he wants to build on James Island would not have an adverse environmental impact.

Last week, at a meeting attended by about 80 members of the community, which lasted until nearly one in the morning, the commission voted 4-2 not to approve a variance for Steinmetz to construct a driveway – even a pervious one – through the 50-foot coastal buffer zone. This leaves no point of entry for construction vehicles and, therefore, no means of actually building a home on the island.

"I was extremely disappointed coming out of the meeting," Steinmetz said the following week. "We feel very strongly that we didn't get a fair shake. We met every criteria the commission asked us to meet. Their decision was arbitrary and capricious."

At the July 23 Conservation Commission meeting, Steinmetz and team were given five conditions to meet and six weeks to meet them. They thoroughly met every requirement laid out for them, but in the end, the commission believed that a less impactful alternative could still be found.

Sarah Stearns, a wildlife expert selected by the board and hired at Steinmetz's expense, reported, "The Wetlands Protection Act and Cohasset bylaws would not consider this a significant or important wildlife habitat; it's very typical of this area. In my opinion, the common species that use this site are likely adaptive to changing conditions."

The board also commissioned Mark Bartlett of Norfolk Ram Group, an environmental engineering, consulting and project management firm, to assess the stormwater repercussions of the design.

Bartlett has worked with the Cohasset Stormwater Advisory Committee and contributed to installing 15 rain gardens in 2007. That is to say, he's no stranger in town. He was not afraid to stake his reputation on his decision.

"They've done a very good job of balancing the hydrology of the site," he said. "I know good, conservative design when I see it, and this is it."

Dr. Peter Rosen, a coastal geologist, said on July 23 that the design met the wetlands standards for no adverse impact. Now, he said, "the margin of safety is that much larger with the introduction of permeable pavement."

Meanwhile, neighbors organized under the name "James Island Protection Group" had reached out to their own experts, who were not convinced there would be no adverse impact.

In addition to environmental points raised, a two-dimensional rendering by the opposition showed a hideous behemoth looming over the tree line of the island. If accurate, this would have been good reason for the neighbors to worry about their views, but architect Can Tiryaki was present and said the renderings were nowhere close to accurate.

The JIPG suggested building at a different location at the northern part of the seven-acre lot. Attorney Michael Rosen pointed out, "A lot is being made of my clients only caring about their views, but for a number of my clients, this is actually going to be worse. There's a home within 70 feet, and another home within 200 feet, and another within 300 feet."

"It's going to be a travesty of justice if we destroy this land based on these fancy people here," said neighbor Rustam DeVitre, referring to the experts and lawyers. "I ask you to let them build next to me. We will be happy to welcome them as our guests and our neighbors."

However, the suggestion came across to some as a red herring meant to distract from the neighbors' true priority: their views. Chairman Patrick Kennedy pointed out that all four alternatives proposed by the JIPG would have required variances for construction within the 50-foot setback.

"You can't construct a house like that running right up against the 50-foot buffer zone," he said.

Attorney Rosen agreed: "A house like *that*." But Rosen, the neighbors, and ultimately, the commission felt that a different kind of house could certainly be constructed there. Only Chairman Kennedy and member Edward Graham supported the construction of the home in its current form. All others voted against it.

The commission voted to deny Steinmetz's stormwater application without prejudice so that he could return, should he choose to do so, with a more modest plan. But Steinmetz has other intentions.

"All we want is an impartial person to look at it, which was not the Conservation Commission this time," said Steinmetz. He plans to take his request to the Department of Environmental Protection and, if necessary, land court.

This may be the end of a chapter, but it's not the end of the story.

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