



MANCHESTER-BY-THE-SEA

CONSERVATION COMMISSION • TOWN HALL
Manchester-by-the-Sea, Massachusetts 01944-1399
Telephone (978) 526-4397 FAX (978) 526-2001

Conservation Commission Special Meeting

January 19, 2021

Zoom Virtual Meeting ♦ 6:30 PM

MINUTES

I. Call to Order

Members Present: Steve Gang, David Lumsden, Henry Oettinger, Sari Oseasohn, John Judge, Olga Hayes, Joe Puopolo and Conservation Agent, Chris Bertoni.

Members Absent: None

Conservation Chairman Mr. Gang opened the meeting at 6:30 pm under the Wetlands Protection Act and Town by-law. He announced that it was being recorded by the Commission. This was a virtual meeting.

Mr. Gang made the announcement that the hearing for 0 School Street (Shingle Hill) would be continued to the next meeting on 2/9/2021 per the applicant's request with no discussion. Regarding any requests for public information, contact Chris Bertoni and she will provide digital copies.

II. Requests for Certificate of Compliance

45 School Street, Ann & William Kiley – construction of a 2-family dwelling, 2-car slab garage below & gravel driveway within Riverfront Area

Continued from 12/15/20

DEP File #39-156
39-156M

John Dick, wetland scientist, presented. The original Notice of Intent was for the construction of a house, driveway and garage. These were never built due to the lot never being subdivided out from larger parcel. Mr. Dick requested a Certificate of Compliance to clear title so owner can get some financing. Ms. Bertoni was on site and had no issues.

Vote: To issue an invalid Certificate of Compliance.

Motion: Mr. Gang

Second: Mr. Oettinger

Actual Vote: 7-0

45 School Street, Richard Harvey – landscape improvements within Riverfront Area

Continued from 12/15/20

DEP File #39-289
39-289M

John Dick, wetland scientist, presented. The original Notice of Intent was filed by the previous owner. The pool was removed, the area restored to grade and loamed and seeded. A proposed brick walkway was never installed. The vegetation in the area is much the same as in 1997. The property passed ownership. There is no As-Built Plan because there was no certified plan, and no certified landscape plan. Ms. Bertoni did a site visit and confirmed that there is definitely no pool and the vegetation was mature and stable.

Vote: To issue a Certificate of Compliance for both state Wetlands Protection Act and local bylaw with one perpetual condition.

Motion: Mr. Gang

Second: Ms. Hayes

Actual Vote: 7-0

23 Loading Place Road, Jonathan & Carolyn Porter – upgrade of sewage disposal system within 100' Buffer to Bordering Vegetated Wetland

New

**DEP File #39-0426
39-0426M**

Devon Morse of Hancock Associates presented. All work had been completed. The written description was adjusted to say the septic system was outside the 100' Buffer, but within the 200' Riverfront Area. A site walk occurred with Ms. Bertoni. The As-Built Plan was submitted. All work was performed according to plan. Ms. Bertoni informed the Commissioners that the site was stable, and she had no issues with the project.

Vote: To issue a Certificate of Compliance.

Motion: Mr. Gang

Second: Ms. Hayes

Actual Vote: 7-0

III. Recess for Public Hearings under Wetlands Protection Act and Local Wetlands By-Law

IV. Request for Determination of Applicability

22 Harbor Street (map 22, lot 11), Stephen Brox – request to remove dead and dying trees within the 100' Buffer to an Intermittent Stream

New

2020-0017

Mr. Gang reported that he is a tenant of the applicant but is unconnected to this property and there is no conflict of interest. Erik Stevenson of Brox Industries presented. The project is the cutting down of dead and dying trees along an intermittent stream in the back yard. Mayer Tree will be doing the work. Thirteen trees will be removed by the stream, five of which are directly on the bank. Ms. Bertoni did a site visit and suggested a site visit to the Commissioners. The trees on the bank are stabilizing the bank. Mr. Stevenson was amenable to taking recommendations regarding planting new trees. The Commission scheduled a site visit for Monday 1/25/21 at 3:00 p.m.

Vote: To continue the matter to the 2/9/21 meeting.

Motion: Mr. Gang

Second: Ms. Oseasohn

Actual Vote: 7-0

21 Proctor Street, Thomas “Colby” & Laura West – request to install four greenheart piles for an existing gangway and float within Salt Marsh, and Land Under Waterbodies, and Land Subject to Coastal Storm Flowage

New

2021-0001

Colby West, homeowner, presented. He proposed installing four Greenheart piles for exiting gangway and float within Salt Marsh. It is currently a seasonal float and he felt this project would be less impact than what is currently in use due to the chains on the float. He would like to use North Shore Marine as the contractor, currently working on a project at Crocker's Boat Yard. Ms. Bertoni had done a site visit. This is an old dirt & stone wharf which could have been an ancient public wharf. The salt marsh is all around, and a high tide level can be seen on the wharf. There has been no permitting for the wharf in the file and it appeared work had been previously done raising the height of the wharf. She also spoke with the Harbormaster and there are no Ch.

91or 10A permits for the float. She suggested a Notice of Intent (NOI) may be more appropriate for this project. Mr. West informed the Commission that the pier is pre-1776 and used to originally be the Town landing. He will file a NOI. The Commissioners wanted a site visit and one was scheduled for Monday 1/25/21 at 2:00 p.m.

Vote: To continue the matter to the 2/9/21 meeting.

Motion: Mr. Gang

Second: Mr. Oettinger

Actual Vote: 6-0

17 Proctor Street, Mona Taliaferro – request to remove dead and dying trees, create habitat trees, install replacement trees, install a steppingstone pathway within the buffers to Bordering Vegetated Wetland/Salt Marsh, and Land Subject to Coastal Storm Flowage.

New

2021-0002

Mike DeRosa of DeRosa Environmental Consulting presented. There are two areas on the property where he requested removing dead and dying trees. Dan Mayer of Mayer Tree would do the work. There would be a crane in the driveway to remove trees and the work would take one day. There would be a total of 10 trees removed. Two will remain as habitat trees and the others flush cut. There will be eight replacement trees. The stairs are already there (after-the-fact) and mostly outside the 100' Buffer. Ms. Bertoni did a site visit. She informed that Commissioners that the project is sound, and the mitigation seemed reasonable.

Vote: To issue a Negative 2 and Negative 3 Determination with conditions.

Motion: Mr. Gang

Second: Mr. Oettinger

Actual Vote: 7-0

V. Abbreviated Notice of Resource Area Delineation (ANRAD)

0 School Street (map 43, lot 18), Geoff Engler, SLV School Street LLC – request for confirmation of boundary delineation of Bordering Vegetative Wetland (approximately 4,010 linear feet of boundary)
Continued from 10/13/20, 11/3/20, 11/24/20, 12/15/20 **DEP File #39-0834**

Mr. Gang reiterated what he has said in a previous meeting that he had taken steps to avoid any bias or conflict of interest. He stopped his role with MECT (although regular member) and took a step back from any leadership role in the Citizen's Initiative for Affordable Housing.

The applicant had requested a continuance to the next meeting with no discussion.

Vote: To continue the matter to the 2/9/21 meeting with no discussion.

Motion: Mr. Gang

Second: Mr. Oettinger

Actual Vote: 7-0

VI. Notice of Intent

25 Raymond Street, Mark McDonough – addition of a cobble berm seaward to an existing retaining wall structure within Coastal Beach, Coastal Bank, Land Subject to Coastal Storm Flowage and 30' No Build Zone Buffer To Coastal Bank

Continued From 12/17/19, 1/21/20, 2/11/20 to 4/14/20, 5/26/20, 6/16/20, 7/14/20, 8/4/20, 8/25/20, 9/22/20, 10/13/20, 11/3/20 (no discussion), continued to 12/15/20 **DEP File #39-0816**

Dr. Wendy Goldsmith presented. Mark McDonough, homeowner, in attendance. Dr. Goldsmith presented a slightly revised, more consolidated Notice of Intent (NOI). A small patio was added on the landward side. There is a new landscape plan. She requested permission to replace the split rail fence that goes into the 100' Buffer.

Ms. Bertoni informed the Commission that the proposed cobble berm and coastal bank repairs/activities remain the same as originally proposed. The change in the NOI is the inclusion of landscaping in the 100' Buffer. She suggested the Commission do a site visit.

Dr. Goldsmith detailed the expectations of the proposed Coastal Management Plan. The plan is to keep the functionality recognizing that sand and cobble move around. If cobbles are washed out, the plan would be to go back and replace them. Any scour as a result of storms would be repaired. After a three-year period a request to extend the Order would be requested for maintenance purposes. Ms. Bertoni suggested using a Work Initiation Form. If there are any changes it would just go through her. A site visit was scheduled for Monday 1/25/21 at 3:45 p.m.

Vote: To continue the matter to the 2/9/21 meeting.

Motion: Mr. Gang

Second: Ms. Oseasohn

Actual Vote: 5-1 1 abstained

17 Tuck's Point Road, Greg Federspiel, Town of Manchester – renovations to public dockage at Tuck's Point within Land Under Ocean, Coastal Beach, and Land Containing Shellfish

Continued from 12/15/20

DEP File #39-0835

Michael Count of Foth and Bion Pike, Harbormaster, presented. On 12/19/20 a site visit occurred. The Army Corps is ok with the proposed project as submitted and will provide a permit within weeks. They are still waiting on DEP for the Ch. 91 license. Documents have been submitted. A special permit application with the Town of Manchester is on the next agenda.

Harbormaster Pike suggested staying within the reconfiguration zone as drawn. A set of floats (25') could go towards Norton's Point. If the zone were moved eastward, moorings would be lost in the mooring field, which is a source of revenue. A float could be taken from the end and moved to a right angle (not in front of the Rotunda). The Commissioners preferred moving the floats. All dinghy tie-ups would be on the inside of the floats. Mr. Count informed the Commission that the moving of floats would have no additional impact. It is all Land Under Ocean. The floats are 8' wide and there is spacing between decking.

Chuck Houghton of Ox Pasture Road commented that he felt the pilings were overwhelming for the site (he presented a model). The Commissioners agreed. He felt one dock could be eliminated. Harbormaster Pike responded that the Town could agree to no additional dockage which would remove three piles, but the other pilings are unavoidable. Ms. Bertoni reminded the Commissioners that the Commission has jurisdiction on impacts to the resources, but not over visuals. Mr. Count informed the Commission that this project is meeting current regulations with standards for design, while restoring public access. Several Commissioners want to move floats to the north in the reconfiguration zone. Harbormaster Pike suggested removal of three planned floats (total of 75'), adjust 24' to the north and those floats will be pile supported. Ms. Bertoni believes that this project will go before the Planning Board.

Vote: To continue the matter to the 2/9/21 meeting.

Motion: Mr. Gang

Second: Ms. Oseasohn

Actual Vote: 7-0

11 Tuck's Point Road, Dana Landry – install a seasonal gangway & float, construct a pedestrian pathway & stairs, remove invasives on Coastal Bank, Rocky Intertidal Zone, Land Subject to Coastal Storm Flowage, and within Buffers to those resources

Continued from 12/15/20

DEP File #39-0836

Mike DeRosa of DeRosa Environmental Consulting presented. John Morin, site engineer, in attendance. A site walk occurred. All work will be done from land side. The Structural Framing Plan for the new float was by Bill Peterlein of Summit Engineering. The float will be seasonal. The prefabricated landing will be bolted and epoxied to the ledge with pivotal clamps. There will be no impact to eel grass beds. A memo was drafted that

responded to all questions that came up at the site walk and questions from Ms. Bertoni. Mr. DeRosa will be involved in the invasives removal and mitigation plantings. The existing stairs will remain.

Vote: To close the hearing.

Motion: Mr. Gang

Second: Ms. Hayes

Actual Vote: 7-0

1 Beaver Dam Road, Tim Brady – construction of a new facility, installation of a driveway and parking areas, and conversion of an existing gravel area to natural vegetation within 100', 50' No build Zone, 30' No Disturb Zone Buffers to Bordering Vegetative Wetland

New

DEP File #39-0837

Tim Brady, applicant, Taylor Dowdy and Susan McArthur of BSC Group presented. Mr. Brady explained that the plan was to remove 20,000 s.f. of storage containers and trailers. The goal is to condense 14,150 s.f. into a climate controlled storage building, reduce the impervious area and restore to natural vegetation.

Mr. Dowdy pointed out that once the old trailers are removed that there is old pavement and most will be removed and revegetated. A 14,150 s.f. building will be constructed. A paved driveway will be added adjacent to the building. Existing utilities will remain the same. Drainage will go to the wetland area. The goal is to use the natural way to retain water.

Ms. McArthur informed the Commission that the wetland area was delineated. There will be work in the buffer. Part of the bituminous driveway will encroach the buffer. A 45,000 gallon cistern will be installed within the buffer. It will be used for a fire suppression system and will be located underground. It will be loamed over the top. Trailers will be removed and the area will be restored to a naturalized area with a native seed mix as well as evergreens and deciduous plants. A small parking lot is planned in the 30' Buffer. The building will be outside the buffer. The plan is to leave the area natural. There will be one mow per season.

Mr. Brady explained that the need for the cistern is to have water for the sprinkler system in the new building. A 10' X 10' pump house will go on top. A tanker truck will bring clean water into the system. Other locations were looked at but there was a lot of ledge if moved uphill. The Commissioners decided to have a site visit and scheduled one for Monday 1/25/21 at 1:00 p.m.

Vote: To continue the matter to the 2/9/21 meeting.

Motion: Mr. Gang

Second: Mr. Oettinger

Actual Vote: 7-0

VII. Reconvene Regular Meeting

VIII. New/Other Business

Surf Village: No new information.

38 School Street: Ms. Bertoni had been told that the homeowner was not working on the property anymore. No RDA had been filed yet. She has no new information. Ms. Bertoni will send a missed deadline letter certified receipt.

51 Norwood Avenue: There is currently no paving going on. Old gravel was removed, and then added back. Ms. Bertoni will follow up. Mr. Gang would like documentation of what work was done.

Singing Beach Revetment Project: This project has started. Ms. Bertoni did a preconstruction site visit. She informed the Commissioners that there were just a few spots that needed to be excavated down. Ms. Hayes informed the Commission that a previous high tide had moved things around and it would need to be reset.

IX. Orders of Conditions:

11 Tuck's Point Road – The Commission discussed conditions.

Vote: To issue an Order of Conditions with standard and perpetual conditions.

Motion: Mr. Gang

Second: Ms. Hayes

Actual Vote: Unanimous Consent

IX. Minutes:

8/25/2020 – No discussion.

X. Adjournment:

There being no further business, the meeting was adjourned at 9:53 p.m. The motion was presented by Mr. Oettinger and seconded by Ms. Hayes and approved by unanimous consent.

Submitted by,

Eva Palmer

XI. Meeting Documents:

- Request for Certificate of Compliance – 23 Loading Place Road for upgrade of sewage disposal system submitted by Jonathan and Carolyn Porter
- Request for Certificate of Compliance – 45 School Street for construction of a dwelling, garage and driveway submitted by Ann and William Kiley
- Request for Certificate of Compliance – 45 School Street for landscape improvements submitted by Richard Harvey
- Request for Determination of Applicability – 17 Proctor Street to remove dead and dying trees and add a stepping stone pathway submitted by Mona Taliaferro
- Notice of Intent – 11 Tuck's Point Road to install a seasonal gangway and float, construct a pedestrian pathway and stairs, and remove invasives submitted by Dana Landry.