



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 Meeting

March 2, 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.

II. Requests for Certificates of Compliance

12 Jersey Lane, Miles & Audrey Allen – additions to an existing single-family home, reconfiguration of driveway and wetland replication project within the 100' Buffer to Bordering Vegetated Wetland

New

DEP File #39-0755

Evin Guvendiren of DeRosa Environmental presented. John Morin of the Morin-Cameron Group in attendance. An Order of Conditions was issued in 2018. The project is completed. The ecological restoration plan has had two growing seasons and has a high success rate and is well established. There are some minor deviations. The addition is smaller than proposed. There is increased impervious area in the No Build Zone by 53 s.f. due to expansion of the approved walkway. There is a larger landing at the back of the garage. A storage box was built at the back of the garage. Finally, the fence is different than the one approved and closer to the wetland in one area. Overall, there is less impervious area than approved.

Ms. Bertoni did a site visit with Mike DeRosa. The site is stable. The wetland looked healthy. The one previous concern was the impervious sheeting installed beneath the existing deck. The deck should remain open allowing runoff from the impervious sheeting to drip into the existing pervious stone area beneath the deck.

Vote: To issue a Certificate of Compliance with perpetual conditions.

Motion: Mr. Gang

Second: Ms. Oseasohn

Actual Vote: 7-0

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

IV. 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, 1/9/21, 2/9/21

DEP File #39-0834

Ms. Oseasohn presided for this application. Mike DeRosa, of DeRosa Environmental Consulting presented. Dan Wells of Goddard Consultants in attendance. Ms. Oseasohn informed the Commission that since the last

meeting the applicant has requested that the ANRAD be reviewed under the State Wetland Protection Act (WPA) only not the local bylaw. The Commission is currently gathering legal and regulatory information to respond to that request.

Mr. DeRosa presented the peer review update. He and Mr. Wells walked the entire property and he did a second site walk alone. There was a problem with Wetland Area C, it did not meet the state definition of a isolated vegetated wetland. It was mostly upland vegetation and soils. Mr. DeRosa agreed with Mr. Wells that the area should be taken off the plan.

There are two very steep areas that come down to a ravine area and then it flattens out. Mr. DeRosa found some wetland soils but no vegetation. The plan will be to wait until spring and see what “pops up” in that area to confirm its wetland status.

There is a classic vernal pool in Wetland B and Mr. DeRosa suspects Wetland A functions as one also. The property is surrounded by wetlands including certified vernal pools. Mr. DeRosa would like more intensive vernal pool studies on site to see if the endangered Blue Spotted Salamander uses these pools. He has previously found Yellow Spotted Salamander egg masses there. The applicant has authorized Mr. Wells to do an egg count in the pools. Mr. DeRosa had no qualms about relying on Mr. Wells’ data. He stated that Mr. Wells was “very experienced”.

There are two offsite wetlands that Patrick Garner of MECT found and discussed. These have buffers onto the property. Mr. Wells will flag those buffers and add to the plan.

Mr. Wells responded that he would take a hard look at the ravine area and potential vernal pools. The additional areas outlined by Pat Garner of MECT will be examined at the earliest mid-April.

The reason for the request to withdraw under the local bylaw is because that “often 40B’s do not file under local Bylaws just under the state WPA.” This application is currently filed under both. Mr. Wells argued that having the local Wetland Bylaw in the ANRAD was optional and that it is within the Applicant’s right to request omitting that review, with the understanding that if waivers are not granted by the ZBA then the Applicant may have to come before the Conservation Commission under the local Bylaw as well as the WPA.

Mr. Wells informed the Commission that he will collect data necessary to certify a vernal pool if it is certifiable. He does not intend to certify any pools and the Applicant has no obligation to do so. If a vernal pool is found, Mr. Wells would discuss it with the applicant.

If the decision is to apply for certification of the pools, he would need to submit data within one year of collection for review by Natural Heritage. Several Commissioners would like the Peer Review to be extended so that Mr. DeRosa could participate in the vernal pool analysis.

Several members of the public had concerns regarding the impact of a project which did not fall under the scope of this filing on delineation. Ms. Bertoni informed the Commission that a letter from Ms. Ochs 7 North Street was in the files. Betsy Ridge Madson of Essex expressed concern for Spotted Turtles. Elizabeth Pyle of Hill Law representing MECT felt it was critically important for Mr. DeRosa to accompany Mr. Wells so there is independent verification of vernal pools and species, and she requested the stream in the A-Series be delineated. Pat Garner, wetland scientist for MECT, informed the Commission that delineating the stream bank would be a relevant issue.

Vote: To continue the matter to the 3/23/21 meeting.

Motion: Mr. Gang

Second: Ms. Hayes

Actual Vote: 6-0 1 ineligible to vote

V. Notices of Intent

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

Continued from 1/19/21, 2/9/21

DEP File #39-0837

Tim Brady, property owner, presented. A site visit occurred. Since then, it was decided that the best place for the cistern to be installed is underneath the building, rather than within the wetland buffer as originally proposed. The location is now out of the resource area and has been added to the plan. Ms. Bertoni had no further questions with the project. The Commission appreciated the cistern move.

Vote: To close the hearing.

Motion: Mr. Gang

Second: Mr. Oettinger

Actual Vote: 7-0

195 Summer Street, 195 Summer Street Realty Trust – for construction of a pool house, patio, and inground swimming pool within State & Local Buffers to Coastal Bank and Bordering Vegetated Wetlands

Continued from 2/9/21

DEP File #39-0839

David Cowell of Hancock Associates presented. A site walk by the Commission occurred. A revised site plan was submitted. A transformer is on the property that is surrounded by shrubs. National Grid will need access to it so they can inspect it to see if it meets capacity. The stone wall at the top of coastal bank will be constructed farther away from coastal bank by moving boulders not buried in the bank. There will be no earth work to destabilize the area. In response to an anonymous email that Ms. Bertoni received which asked that the pool be moved, the consultant indicated the pool will stay where planned due to constraints based on where the septic is, the Olmsted gardens are and taking advantage of redeveloping the tennis court. Ms. Bertoni received a letter of approval from the abutter at 185 Summer Street. The transformer serves her as well. Deb Colbert a PE for Hancock Associates informed the Commission that the transformer will be replaced and upgraded.

Vote: To close the hearing.

Motion: Mr. Gang

Second: Mr. Oettinger

Actual Vote: 7-0

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

Continued from 2/9/21

DEP File #39-0XXX

The applicant requested a continuance to the next meeting.

Vote: To continue the matter to the 3/23/21 meeting.

Motion: Mr. Gang

Second: Ms. Oseasohn

Actual Vote: Unanimous Consent

375 Summer Street, Paul Mehlman – request to replace an existing footbridge within Riverfront Area Resource and Salt Marsh

New

DEP File #39-0840

Dan Ottenheimer of Mill River Consulting presented. Paul Mehlman, homeowner, in attendance. The footbridge is distressed and decayed and needs to be replaced. DEP had no comments or concerns and MECT had no issues. The plan is to remove the existing wooden footbridge, which is sitting on the banks of the creek. Stones and boulders beneath it will not be removed. It will be replaced with an aluminum frame footbridge with plastic decking. It will be 2' higher due to the increase in tide cycles. The ramp will be longer on either end. On either side helical piles will be drilled in. Straw wattles will be put down. The benefits are that the posts in the creek will be removed, weight of bridge will be removed from the bank, enhance light and precipitation, reduce flow restrictions, and reduce blockages during the flow on high tides.

The Commissioners were happy with this plan. Ms. Bertoni did a site visit. The site is stable, the footpath will act as the access. Handheld tools will be sufficient. The existing piles will be removed by pulling out, if that cannot be done, they will remain in place and cut flush. Jack Burke of 16 Ocean Street was concerned about the glare off the aluminum. He was informed that there will be a sheen the first year but will wear away over time. The Commissioners requested a site visit, and one was scheduled for Saturday, 3/6/21, at 11:00 a.m.

Vote: To continue the matter to the 3/23/21 meeting.

Motion: Mr. Gang

Second: Ms. Hayes

Actual Vote: Unanimous Consent

4 Crafts Court, Andre Markarian – proposed raze and rebuild of single-family home within Riverfront Area Resource

New

DEP File #39-0842

Mike DeRosa of DeRosa Environmental Consulting, Inc. presented. Andre Markarian, homeowner, in attendance. The plan is to raze and rebuild a single-family home. The resource is Bennett's Brook, a perennial stream. There is no Bordering Vegetated Wetland associated with it. There is existing impervious of approximately 4,000 s.f. The plan will have an increase of approximately 2,500 s.f. Mr. DeRosa also proposed the same in restoration. Three primary trees will be removed. Ben Staples of Cicoria Tree will do the work. A rain garden is proposed to take the runoff from the roof and a drip edge will be added along the new driveway and roofline of garage. For the mitigation plan Mr. DeRosa proposed adding hemlock for a visual screen and evergreen habitat, adding three red maples for canopy, and adding a diverse shrub and herbaceous community. This will add 2,280 s.f. of mitigation.

The Commissioners requested a site walk, and one was scheduled for Saturday, 3/6/21, at 10:15 a.m. It was suggested that the applicant look into a pervious option for the driveway which is approximately 2,000 s.f. Peter Minasian of 5 Woodholm Road was concerned with the structural support of the brook. He wants the trees to remain and felt there was no need for mitigation. He was concerned with who had responsibility for degradation along Bennett's Brook. Barry Richards of Woodholm Road informed the Commission that the walls on the brook are not very stable. His concern was who is responsible if the walls collapse?

Mr. DeRosa pointed out that the mitigation is on mowed lawn and under the WPA he is required to improve next to Riverfront. The trees are getting older. They will be flush cut and the root system will remain. They will be taken by crane so there will be no impact to the bank.

Vote: To continue the matter to the 3/23/21 meeting.

Motion: Mr. Gang

Second: Mr. Oettinger

Actual Vote: Unanimous Consent

100 Ocean Street, Preston Traverse – proposed additions to a single-family home and wetland restoration within Land Subject to Coastal Storm Flowage, Riverfront Area Resource, and 100', 50' No Build Zone & 30' No Disturb Zone Buffers to Coastal Bank, Salt Marsh

New

DEP File #39-0841

Mike DeRosa of DeRosa Environmental Consulting, presented. John Morin of the Morin-Cameron Group in attendance. The project is adding a half floor to the garage (on top of foundation) as well as add two small

additions on slab construction. Norway maples will be removed and there will be a replanting plan using native plants. Ben Staples of Cicoria Tree will be the arborist. The Commissioners requested a site visit, and one was scheduled for Saturday, 3/6/21, at 11:30 a.m.

Vote: To continue the matter to the 3/23/21 meeting.

Motion: Mr. Gang

Second: Ms. Hayes

Actual Vote: Unanimous Consent

VI. Reconvene Regular Meeting

VII. New/Other Business

Letter Permits: Ms. Bertoni issued letter permits since the last meeting.

103 Summer Street: for removal of trees due to squirrel infestation.

60 Pine Street – for hazardous back steps.

38 School Street: Ms. Bertoni informed the Commissioners that the homeowner had stopped any work, however she will continue to try and get in touch.

Conservation Restriction at Surf Village: The Conservation Restriction needed more review so it will be discussed at the next meeting.

17 Tuck's Point Road: Ms. Bertoni updated the Commissioners that the project had received the Army Corp. permit. There is a public comment period. Mr. Gang informed the Commissioners that the Harbormaster received a \$900,000 grant to start.

0 School Street: Mr. Gang and Ms. Oseasohn wrote a memo at the request of the Board of Selectman regarding the 19 waivers for the bylaw.

VIII. Orders of Conditions:

1 Beaver Dam Road – The Commission discussed conditions.

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

Motion: Mr. Lumsden

Second: Mr. Judge

Actual Vote: 7-0

195 Summer Street – The Commission discussed conditions.

Vote: To issue an Order of Conditions with special conditions.

Motion: Ms. Oseasohn

Second: None

Actual Vote: 7-0

IX. Approval of Minutes – None

X. Adjournment:

There being no further business, the meeting was adjourned at 9:45 p.m. The motion was presented by Mr. Gang and no second and approved by unanimous consent.

Submitted by,

Eva Palmer

XI. Meeting Documents:

- Notice of Intent – 1 Beaver Dam Road for construction of new facility, driveway and parking area submitted by Tim Brady.
- Notice of Intent – 195 Summer Street for construction of a pool house, pool and patio submitted by 195 Summer Street Realty Trust.
- Notice of Intent – 375 Summer Street for replace of an existing footbridge submitted by Paul Mehlman.
- Notice of Intent - 4 Crafts Court to raze and rebuild a single-family home submitted by Andre Markarian.
- Notice of Intent – 100 Ocean Street for proposed additions to a single-family home submitted by Preston Traverse.
- Request for Certificate of Compliance – 12 Jersey Lane for addition to an existing single-family home submitted by Miles & Audrey Allen.