



# 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

April 13, 2021

Zoom Virtual Meeting ♦ 6:30 PM

## MINUTES

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### 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 Chair 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 Extensions

**19 Central Street, Charles Benevento/19 Central Street, LLC – restorative enhancements: installing native vegetation, relocating stone retaining wall & boulders, relocating brick patio**

New **DEP File #39-0778**

Alex Patterson of EA presented. Requesting a one-year extension. A site visit occurred with Ms. Bertoni. Most of the restoration work is done but there are still a few things to do such as removing erosion controls and adding plants. The Order of Conditions is set to expire this spring.

**Vote:** To approve a one-year extension.

Motion: Mr. Gang

Second: Mr. Oettinger

Actual Vote: 7-0

**27 Proctor Street, Michael Comb – installation of chimney and outdoor kitchen within the 100', and 50' No Build Zone Buffers to Coastal Bank**

New **DEP File #39-0769**

Evin Guvendiren of DeRosa Environmental Consulting presented. She requested a three-year extension due to the plan to install mitigation plantings this spring and the subsequent monitoring for two growing seasons. Mr. Gang pointed out that the local bylaw only allows for three one-year extensions, but only one year at a time. Ms. Bertoni will look further into the local bylaw.

**Vote:** To approve a one-year extension under the local bylaw and a three-year extension under the Wetlands Protection Act with all conditions intact.

Motion: Mr. Gang

Second: Mr. Oettinger

Actual Vote: 7-0

### III. Requests for Certificates of Compliance

**19 Central Street, Charles Benevento/19 Central Street, LLC – restorative enhancements: installing native vegetation, relocating stone retaining wall & boulders, relocating brick patio**

Continued 3/23/21

DEP File #39-0778

The applicant had requested a continuance to the next meeting.

**Vote:** To continue the matter to the 5/4/21 meeting.

Motion: Mr. Gang

Second: Ms. Oseasohn

Actual Vote: Unanimous Consent

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

**V. Requests for Determination of Applicability**

**121 Beach Street (Singing Beach, map 17, lot 24), Cheryl Marshall, Director Manchester Parks & Recreation – to install signage and a statue within Land Subject to Coastal Storm Flowage, the 100, 50' No Build Zone and 30' No Disturb Zone Buffers to Coastal Bank**

New

2021-0005

Ms. Hayes (also member of the Park and Rec Committee) and Ms. Bertoni presented. There are two signs replacing current signs that will be installed. Four sonotubes will be needed. A seagull statue was donated to the Town. It is proposed to sit (secured) on a stone slab near the entrance of the beach. The only disturbance will be to level the area to put in the base. The biggest concern by the Commission was the chance of vandalism.

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

Motion: Mr. Judge

Second: Ms. Oseasohn

Actual Vote: 7-0

**13 Proctor Street, Anthony Bullock – to install a retaining wall and grading within the 100' Buffer to Coastal Bank (Salt Marsh)**

New

2021-0006

Robert Griffin of Griffin Engineering presented. The applicant removed the existing house on this property last year. He plans to build a new house in "roughly the same location" which is outside the 100' Buffer to Coastal Bank per a 2014 delineation by DeRosa Environmental Consulting. He would like to build a 90' concrete retaining wall with a stone cap on top, 62' of which would be in the 100' Buffer. It is a 1700 s.f. footprint. Erosion controls are already installed. The wall will taper down and follow the contours of the property. A Landscape Plan has not been proposed yet. The area is currently lawn.

Mr. Gang felt this project was big for a Request for Determination of Applicability and should be filed as a Notice of Intent (NOI). An NOI would give the Commission more oversight of the project and there is more information that the Commission would like to know. The Commissioners agree. Ms. Bertoni asked about any issues from water runoff through the proposed wall. Mr. Griffin pointed out that this is a simple excavation work. The project is greater than 50' from the resource and less than 5,000 s.f. impact. He also pointed out that no drainage patterns would change. The Commissioners requested a site visit, and one was scheduled for Saturday, 4/17/21 at 11:00 a.m.

**Vote:** To issue a Positive Determination.

Motion: Mr. Gang

Second: Ms. Hayes

Actual Vote: 7-0

## **VI. 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, 3/2/21, 3/23/21      **DEP File #39-0834**

The applicant requested a continuance to the next meeting. The vernal pool analysis had not been completed.

**Vote:** To continue the matter to the 5/4/21 meeting.

Motion: Mr. Gang

Second: Ms. Hayes

Actual Vote: Unanimous Consent

## **VII. Notice of Intent**

**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, 3/2/21, 3/23/21

**DEP File #39-0843**

The applicant requested a continuance to the 5/4/21 meeting.

**Vote:** To continue the matter to the 5/4/21 meeting.

Motion: Mr. Gang

Second: Ms. Hayes

Actual Vote: Unanimous Consent

**144 Summer Street, Steven & Jennifer Athanas – proposed addition to an existing single-family home and after-the-fact permitting for a paved driveway within the 100’ and 50’ No Build Zone Buffers to Bordering Vegetated Wetland**

Continued from 3/23/21

**DEP File #39-0XXX**

Steve Athanas, homeowner, presented. A DEP File number had not been issued at the time of the meeting therefore the hearing would have to be continued to the next meeting. A site visit occurred. There is a drain across the driveway where water will go into an existing tank. Existing pavement will be removed, and pea stone will go in. Ms. Bertoni informed the Commissioners that the delineation goes around the 4X6 raised bed on the border of the resource although she thinks it might have been closer to the resource if the bed hadn't been installed. It could be considered a temporary feature. The Commissioners are fine with the raised bed.

**Vote:** To continue the matter to the 5/4/21 meeting.

Motion: Mr. Gang

Second: Ms. Oseasohn

Actual Vote: Unanimous Consent

**Forest Street, a Public Way, Charles Dam, Director Manchester DPW – for water main replacement within Riverfront Area Resource and the 100’, 50’ No Build Zone and 30’ No Disturb Zone Buffers to Bordering Vegetated Wetland**

New

**DEP File #39-0845**

Chuck Dam, DPW Director, Nate Derosiers, DPW, Brendan Bobrek, Bobrek Engineering and Evin Guvendiren of DeRosa Environmental Consulting presented. The work will be within the limits of the roadway. Once construction is complete it will be returned to pre-construction conditions. It will be trenched out and materials stockpiled in two different piles. The existing water main will be abandoned and capped in place. The new

water main will be installed below the road, back filled and repaved. The work will be done in 200 linear feet sections. The impacts will be temporary.

Mr. Dam informed the Commission that this work was needed. The existing water main had broken and patched several times. Due to the budget constraint this work is limited from Summer Street (127) to the intersection of Ancient County Way and hopefully up to Harold Street. The water main will be replaced with ductile iron pipe (class 56). It will be back filled with suitable materials. There will be one 5-6' wide trench at the surface and 5' in depth. There will be initial paving and overlay road in a future, separate project. Regarding the stockpiles, trucks will be used to haul certain things immediately but there may be a pile at the site for up to one week. Traffic will be maintained as best as possible. Local traffic permitted. There is currently a 12" corrugated metal culvert, which cannot be crossed above so the water main will go beneath. Mr. Bobrek pointed out that 4' of the culvert will be cut and will be replaced with new PVC pipe and connected with couplings. This work will be done at low flow or no flow.

**Vote:** To close the hearing.

Motion: Mr. Gang

Second: Ms. Hayes

Actual Vote: 7-0

**Tappan Street, a Public Way, Charles Dam, DPW Director – for water main replacement and stormwater drainage improvements within Land Subject to Coastal Storm Flowage, and the 100 and 50' No Build Zone buffers to Bordering Vegetated Wetland**

New

**DEP File #39-0844**

Chuck Dam, DPW Director, Nate Derosiers, DPW, Brendan Bobrek, Bobrek Engineering and Evin Guvendiren of DeRosa Environmental Consulting presented. This work will be within the limits of the roadway. There will be trenching and stockpiles. There will need to be re-routing of a portion of the existing drainage pipe (beneath the foundation of an existing building). The existing water main will be abandoned, the new main will be installed below roadway, back filled, and repaved back to pre-construction conditions. Mr. Dam explained that the new main will be PVC pipe material. Regarding the drainage issue the first step will be rectify the swale situation then reroute the pipe from the building.

Mr. Bobrek explained that the existing drain line beneath 34 Tappan Street has joints that are failing. The pipe will be rerouted to get it out of the building and connect to a manhole at Sea Street. The drainage will be reworked as it is currently going to the swale. It will not pick up any additional drainage. The rerouting allows for better future maintenance and a better situation for the property owner. Ms. Bertoni reminded the Commissioners that there is an intermittent stream that connects to a wetland on Sea Street.

**Vote:** To close the hearing.

Motion: Mr. Gang

Second: Ms. Hayes

Actual Vote: 7-0

**VIII. Reconvene Regular Meeting**

**IX. New/Other Business**

**Maintenance at White Beach:** A large National Grid truck got stuck in the parking area of the Beach and a lot of the parking area was churned up then pushed onto the beach to get the truck out. Per Chuck Dam DPW Director, there is a plan to bring in granular material as well as revetment stone to make the parking area more compactable, so vehicles will not sink. The material currently sitting in the boat ramp area will be dispersed around the beach or dune area. The Commissioners felt the dune area was the best option in the short term. Mr. Dam will try to use some of the material to fortify the parking area. The disturbed area will be leveled. Ms. Bertoni pointed out that this is a barrier beach and things will move. If new material is brought in, then a permit will be needed. Mr. Gang was interested in finding a solution for when there is a storm event.

**24-27 Boardman Avenue:** Ms. Bertoni informed the Commissioners that National Grid has will be laying down a new gas line. Paving will be held off until National Grid is done. Precautions will be taken at the wetland areas.

**Frog Fungus:** Ms. Bertoni informed the Commissioners that there is a student project where she will be checking populations for fungus at Cathedral Pines. This is a catch and release program. The Board of Selectmen and the Town Administrator said it would be fine to collect at Cathedral Pines.

**Open Space and Recreation Committee:** Ms. Hayes and Mr. Gang both sit on the Open Space Committee. There is an initiative to propose a more serious and continuous effort to protect the water resources. It is proposed that the Water Resource Protection Committee be re-formed. This committee would look at water issues more long term and intentionally. They are looking to the Conservation Commission to endorse this recommendation.

**Town Shade and Tree Policy:** The Board of Selectmen were approached in February by the Friends of Trees to protect trees in Town and on private land that are large trees or of historical value.

**102 Ocean Street:** Ms. Bertoni had been told that there was a dead seal at Black Beach and that equipment was used to bury the seal at the beach. She is not sure if this is true. The result is there is a breach area in the beach grass berm and is now being used as public access.

**Letter Permits:**

**2 Putnam Court:** for a deck extension in outer riparian Riverfront.

**2014 Grant:** Mr. Gang pointed out to the Commissioners about information from the EPA regarding the 2014 Grant to assess vulnerabilities which the Town of Manchester acted on. Town Hall and Sewage Treatment Plant are highly vulnerable.

**Violations:**

**4 Woodholm Road:** An unpermitted fence was constructed 28' from inland bank. This is a new owner. The site is stable. Ms. Bertoni will follow up.

**9 Butler Avenue:** There are wood chips in the Buffer to Vegetated Wetland. Ms. Bertoni will follow up.

**X. Orders of Conditions:**

**Forest Street Water Main –** The Commission discussed conditions.

**Vote:** To issue an Order of Conditions with special and perpetual conditions

Motion: Mr. Gang

Second: Mr. Oettinger

Actual Vote: 7-0

**Tappan Street Water Main –** The Commission discussed conditions.

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

Motion: Mr. Gang

Second: Ms. Hayes

Actual Vote: 7-0

**XI. Approval of Minutes**

**12/15/20 –** Commissioners discussed edits.

**Vote:** To accept the 12/15/20 minutes as amended.

Motion: Mr. Gang  
Second: Ms. Hayes  
Actual Vote: Unanimous Consent

**1/19/21** – Commissioners found no errors.

**Vote:** To accept the 1/19/21 minutes as written.  
Motion: Mr. Gang  
Second: Ms. Hayes  
Actual Vote: Unanimous Consent

## **XII. Adjournment:**

There being no further business, the meeting was adjourned at 9:17 p.m. The motion was presented by Ms. Hayes and seconded by Ms. Oseasohn and approved by unanimous consent.

Submitted by,

Eva Palmer

## **XIII. Meeting Documents:**

- Request for Extension – 19 Central Street for restorative enhancements submitted by Charles Benevento/19 Central Street LLC.
- Request for Extension – 27 Proctor Street for installation of chimney and outdoor kitchen submitted by Michael Comb.
- Requests for Determination of Applicability – 121 Beach Street to install signage and a statue submitted by Cheryl Marshall, Director Manchester Park & Recreation.
- Requests for Determination of Applicability – 13 Proctor Street to install a retaining wall and grading submitted by Anthony Bullock.
- Notice of Intent – Forest Street for water main replacement submitted by Charles Dam, DPW Director.
- Notice of Intent – Tappan Street for water main replacement and stormwater drainage improvements submitted by Charles Dam, DPW Director.
- Written Notification of Public Utility Project – 27 Boardman Avenue for proposed gas main replacement submitted by National Grid.