



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 18, 2023

Zoom Virtual Meeting ♦ 6:00 PM

MINUTES

I. Call to Order

Members Present: Steve Gang, Sari Oseasohn, Olga Hayes, Henry Oettinger, Jeff Bodmer-Turner, and Conservation Agent, Chris Bertoni.

Members Absent: David Lumsden

Conservation Chairperson Mr. Gang opened the meeting at 6:00 p.m. under the Wetlands Protection Act and Town by-law. He announced that it was being recorded by the Commission. This was a virtual meeting.

Presentation: Auditory Surveys of the Frog Population in Cathedral Pines Resource Area

Alison J. Bekas, Gordon College biology student, presented her research. She is doing auditory surveys at 27 sites around the North Shore. One of the sites is Cathedral Pines. It will include data collection (listen for frogs for 5 minutes) and then assessment. This research is to augment population data findings from the 2021 research of a colleague. The Commissioners were excited about the research.

II. Recess for Public Hearings Under Wetlands Protection Act and Local Wetlands By-Law

III. Requests for Determination of Applicability

37 Vine Street, Michael C. Kirk – proposed construction of an in-ground swimming pool, pervious patio, covered porch and a covered entryway from the driveway within the outer one hundred feet of Riverfront Area Resource

Continued from 3/28/23

2023-0003

Michael Kirk, homeowner, in attendance. A site visit occurred. New materials were submitted. A stormwater containment area was designed. Christopher Underwood of MountainScapes Landscape Construction presented. Four cultec chambers will be added, below grade, a few feet apart. They will be on the south side, along the fence. The runoff from the covered porch and drawdown of the pool will be directed to the chambers. Surface water will go to a swale. For the Planting Plan there will be a mix of flowering shrubs and perennials, as well as a vegetated swale. The swale will be 6"X4' but could be wider. If the swale fills up overflow will go to the chambers. There are sandy soils designed for good drainage. Impermeability would not be increased. Ms. Bertoni did not have a clear understanding of the vegetated swale now being proposed. Mr. Gang felt a Request for Determination of Applicability was inappropriate. The proposed project was very complicated and within the Riverfront resource. Ms. Oseasohn, Dr. Hayes and Dr. Oettinger agreed. The applicant wished he had known at the beginning of this process that he would need a Notice of Intent.

Vote: To issue a positive Determination of Applicability.

Motion: Mr. Gang

Second: Dr. Oettinger

Actual Vote: 5-0

Steve Gang – Yes, Sari Oseasohn – Yes, Olga Hayes – Yes, Jeff Bodmer-Turner – Yes, Henry Oettinger – Yes

23 Loading Place Road, William Williams & Elizabeth Akerley – proposed construction of an addition to an existing structure within Riverfront Area Resource and within the 100' Buffer to Bordering Vegetated Wetlands

New

2023-0005

Ms. Bertoni read the legal notice into the record. Andrew Crocker of Andrew Crocker Architect presented. The proposed addition will have a small footprint of 440 sf within the resource with 220 sf of it in the 100-foot buffer to Bordering Vegetated Wetland. The entire structure is between the 50' and 100' buffer and in the 200' Riverfront area. A drywell will be added to contain water and deposit it into the filtration system. Flagging for the area had been done previously when a septic project was done. He has a contractor ready for May. There will be a minimum of 4' of excavation for the foundation, 440 sf of new impervious. No mitigation had been considered.

Mr. Gang pointed out that under WPA if a project is in a resource area, then a Request for Determination of Applicability (RDA) is inappropriate if not a minor project. He was uncomfortable with the expansion of the definition of RDA. Dr. Hayes felt this was a small addition on a small footprint. Ms. Oseasohn did not feel the project would have a significant impact. She was ok with a RDA. Dr. Bodmer-Turner had questions on expansion and the effect of the intrusion. He suggested a site visit. Commissioners agreed with a site visit. Ms. Oseasohn suggested Mr. Crocker start work on a Notice of Intent. A site visit was scheduled for Saturday, 4/29/23 at 9:00 a.m.

Vote: To continue the matter to the 5/9/23 meeting.

Motion: Mr. Gang

Second: Dr. Oettinger

Actual Vote: 5-0

Steve Gang – Yes, Sari Oseasohn – Yes, Olga Hayes – Yes, Jeff Bodmer-Turner – Yes, Henry Oettinger – Yes

IV. Notices of Intent

19 Smith's Point Road, Meredith and John Pasquesi – proposed raze and rebuild a cottage and raze an existing single-family home and accessory building within the 100', 50' No Build Zone, and 30' No Disturb Zone Buffers to Coastal Bank

New

DEP File #39-0892

Ms. Bertoni read the legal notice into the record. Mike DeRosa of DeRosa Environmental Consulting, Inc. presented. Scott McCullough of Hulker Architects, Chris Horiuchi of Horiuchi Solien, inc. and Jay Polakiewicz of Hancock Associates were in attendance. The proposed plan is to demolish the big house and a 2-story wood building as well as raze and rebuild the cottage within the same footprint. Hancock Associates did the plan and provided cross-sections to determine the top of Coastal Bank. There will be a reduction of 129 sf of impervious area: 5' in the 0-30' Buffer, 76' in the 30-50' Buffer, and 48' in the 50-100' Buffer. 2,615 sf of grass will be converted to native plantings.

The current foundation for the cottage will be removed. Pervious steppingstones will be added around the perimeter. They will be set in sand with grass in between and crushed stone beneath. There will be a drip edge and a drip trench around the entire building. The plan is to finish the cottage and then the owners will live there while the rest of the property is worked on. The septic had already been approved.

The Commissioners requested a site visit, and one was scheduled for Saturday 4/29/23 at 9:45 a.m.

Vote: To continue the matter to the 5/9/23 meeting.

Motion: Mr. Gang

Second: Dr. Oettinger

Actual Vote: 5-0

Steve Gang – Yes, Sari Oseasohn – Yes, Olga Hayes – Yes, Jeff Bodmer-Turner – Yes, Henry Oettinger – Yes

17 Eaglehead Road, James and Grace Hoffman – proposed demolition and reconstruction of an existing single-family home within Coastal; and with the 100’, 50’ No Build Zone and 30’ No Disturb Zone Buffers to Coastal Bank and to Bordering Vegetated Wetland

New **DEP File #39-0891**

Ms. Bertoni read the legal notice into the record. Devon Morse of Hancock Associates, Jay Polakiewicz of Hancock Associates, Murdoch Design, architects, Mika Franzman of Richardson Associates Landscaping, and the homeowners were in attendance. Mr. Polakiewicz presented that the project would have landscaping improvements, updated utilities, drain improvements, a proposed demo and construction of a single-family home, garage, deck, and filling in the walk-out basement. There will be a net increase in impervious areas due to a larger house, a garage addition, and pavers (which are considered impervious).

Mika Franzman presented the landscape part of the project. There will be a fieldstone wall that would delineate the gravel parking court from the house and a pea stone terrace with fire pit. The Planting Plan showed most of the area would be replanted and would revegetate most of the grass with native plantings. There will be 1-3 trees removed. There will be steppingstones around the building.

The Commissioners requested a site visit, and one was scheduled for Saturday, 4/29/23 at 10:30 a.m.

Vote: To continue the matter to the 5/9/23 meeting.

Motion: Mr. Gang

Second: Dr. Oettinger

Actual Vote: 5-0

Steve Gang – Yes, Sari Oseasohn – Yes, Olga Hayes – Yes, Jeff Bodmer-Turner – Yes, Henry Oettinger – Yes

V. Reconvene Regular Meeting

VI. Requests fo Extensions

Beach Maintenance Plan 2018, Town of Manchester (various Town-owned locations), Chuck Dam, Director of Manchester DPW

New **DEP File #39-0777**

Mike DeRosa of DeRosa Environmental Consulting, Inc. presented. Chuck Dam, DPW Director, in attendance. They requested a 3-year extension under the WPA, and a 1-year extension under the local bylaw. Ms. Bertoni pointed out that there was a violation for the moving of sand from White Beach to Black Beach. She also pointed out that under the local bylaw it is a one-time extension for 1 year.

Vote: To issue a 1-year extension under the WPA and local bylaw.

Motion: Mr. Gang

Second: Ms. Oseasohn

Actual Vote: 5-0

Steve Gang – Yes, Sari Oseasohn – Yes, Olga Hayes – Yes, Jeff Bodmer-Turner – Yes, Henry Oettinger – Yes

Road Maintenance Plan 2018, Town of Manchester (various Town-owned locations), Chuck Dam, Director of Manchester DPW

New **DEP File #39-0776**

Mike DeRosa of DeRosa Environmental Consulting, Inc. presented. Chuck Dam, DPW Director, in attendance. They requested a 3-year extension under the WPA, and a 1-year extension under the local bylaw.

Vote: To issue a 1-year extension under the WPA and local bylaw.

Motion: Mr. Gang

Second: Ms. Oseasohn

Actual Vote: 5-0

Steve Gang – Yes, Sari Oseasohn – Yes, Olga Hayes – Yes, Jeff Bodmer-Turner – Yes, Henry Oettinger – Yes

VII. Requests for De Minimis Change

Beach Maintenance Plan 2018, Town of Manchester (various Town-owned locations), Chuck Dam, Director of Manchester DPW

New

DEP File #39-0777

Mike DeRosa of DeRosa Environmental Consulting, Inc. and Chuck Dam, DPW Director, presented. There are three new sections to be added. The first is Storm Protocol and Revetment Repairs at Singing Beach. The second is Post-Storm Migration Maintenance to continue to safely remove sand that migrated onto the road. Lastly, Seasonal Storm Protection (White Beach) to seasonally relocate existing boulders every fall and spring. Mr. Dam felt these issues happen so often that it is considered routine maintenance and if part of the Maintenance Plan the DPW could respond quicker.

Ms. Bertoni requested that a Work Initiation Form be filed when work is going to happen. She said the Harbormaster, in an email, agreed to close the 'ramp' on White Beach starting November 1st to April 30th for the Seasonal Storm Protection time frame. She also reminded Mr. Dam of the condition that an annual report of activities that had been done for both the Beach Maintenance Plan and the Road Maintenance Plan would be useful to the Commission. Ms. Oseasohn agreed. It would give the Commission a view on trends.

Dr. Oettinger asked about the boat ramp at White Beach and if it was going to be relocated or removed. Mr. Dam had talked with the Harbormaster about it but at this time there is no good answer. The seasonal moving of boulders solves the problem currently.

Vote: To approve the De Minimis Change with 3 conditions.

Motion: Mr. Gang

Second: Ms. Oseasohn

Actual Vote: 5-0

Steve Gang – Yes, Sari Oseasohn – Yes, Olga Hayes – Yes, Jeff Bodmer-Turner – Yes, Henry Oettinger – Yes

7:47 p.m. Mr. Gang had to leave the meeting to attend the Select Board meeting. Ms. Oseasohn, Co-Chairperson, took over hosting duties.

Road Maintenance Plan 2018, Town of Manchester (various Town-owned locations), Chuck Dam, Director of Manchester DPW

New

DEP File #39-0776

Mike DeRosa of DeRosa Environmental Consulting, Inc. presented. Nate Derosiers, DPW Engineer, in attendance. There are three new sections to be added. The first is Roadway Post-Storm Maintenance which would include moving migrated sand from road back to the beach. The second is Vegetation Maintenance along roadway. Lastly, Resurfacing Pavement within Buffer Zones.

Ms. Bertoni thought the repaving had issues. It was not well defined, and the Commission should retain more control regarding the buffers. She did not think the parameters were strong enough.

Mr. Derosiers explained that the intent of the repaving would include miscellaneous work such as potholes and repaving after damage. All work would be within the limits of the road. Milling may be needed. A Work Initiation Form would be used.

Ms. Bertoni felt that a Work Initiation Form was not appropriate unless the Administrator had oversight over the project. She did not feel there was enough protection in the language. She thought perhaps these changes

could be used as an experiment for 1 year after which the Commission could assess. Ms. Oseasohn agreed and there would be more acceptable language for the next maintenance plan.

Vote: To approve the De Minimis Change with 1 condition.

Motion: Ms. Oseasohn

Second: Dr. Hayes

Actual Vote: 4-0

Sari Oseasohn – Yes, Olga Hayes – Yes, Jeff Bodmer-Turner – Yes, Henry Oettinger – Yes

VIII. Requests for Certificates of Compliance

33 Forster Road, Dominic Paratore – construction of a single-family home and appurtenances, including upgraded septic system, within the 50' No Build Zone and the 100' Buffer to Bordering Vegetated Wetland

Continued from 1/3/23, 1/24/23, continued from 3/28/23

DEP File #39-363

The Consultant requested that this hearing be continued to the next meeting on 5/9/23.

Vote: To continue the matter to the 5/9/23 meeting.

Motion: Ms. Oseasohn

Second: Dr. Hayes

Actual Vote: 4-0

Sari Oseasohn – Yes, Olga Hayes – Yes, Jeff Bodmer-Turner – Yes, Henry Oettinger – Yes

IX. New/Other Business:

Coastal Vulnerability Action Plan Steering Committee: Dr. Oettinger explained that there is a 6-stage timeline for vulnerability assessment. At the April meeting the group will review Alternative Analysis.

Black Knot Fungus: A Town resident sent an email regarding fungus on their trees. Ms. Bertoni had shared a video regarding trees with the fungus at Singing Beach. She felt the Commission could keep the awareness out there and check what other towns are doing, but it would be a huge initiative. Ms. Oseasohn suggested that it could be a scouting project or a Gordon College student project.

Water Resource Task Force: As noted above, Mr. Gang left the meeting and was giving an update to the Select Board.

Remote Meetings: The Select Board preferred hybrid meetings. Ms. Oseasohn wanted to check with the Select Board to find out why. Ms. Bertoni informed the Commissioners that the next meeting on 5/9/23 would be remote. Discussion ensued regarding burden on applicants & consultants if in-person or hybrid meetings were to resume.

Letter Permits:

3 Harold Street: construction of a backyard shed 100' from Bordering Vegetated Wetland.

120 Bridge Street: minor landscaping, trimming of dead trees.

Enforcement Order/Potential Violation:

10 Forster Road: Ms. Bertoni informed the Commissioners that the homeowner was unable to attend the meeting and sent apologies. There is a current Order of Conditions (OoC) for an approved septic. There was a special condition to save a tree. The tree was not shown on the Board of Health (BOH) Plans and was close to the overdig for the septic. Wendy Hansbury, BOH Director, was in attendance. She explained that the plan was approved before she started working for the Town. It is not encouraged to keep trees in the overdig area. This tree was not on the plan. It needed to be removed. She will work with Ms. Bertoni so Conservation and BOH have the same plans.

Ms Bertoni will look into what changes, if any, are needed to work with the OoC. She has been in touch with the consultant and the homeowner.

X. Orders of Conditions: None

XI. Minutes: None

XII. Adjournment:

There being no further business, the meeting was adjourned at 8:22 p.m. The motion was presented by Dr. Oettinger, seconded by Dr. Bodmer-Turner and approved 4-0.

Submitted by,

Eva Palmer

XIII. Meeting Documents:

- Frog Fungus Research
- Black Knot Fungus
- Request for Determination of Applicability for 37 Vine Street submitted by Michael Kirk.
- Extension Request for Town Beach Maintenance Plan submitted by Chuck Dam, DPW Director.
- Extension Request for Town Road Maintenance Plan submitted by Chuck Dam, DPW Director.
- De Minimis Change Request for Town Beach Maintenance Plan submitted by Chuck Dam, DPW Director.
- De Minimis Change Request for Town Road Maintenance Plan submitted by Chuck Dam, DPW Director.