



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

June 20, 2023

Zoom Virtual Meeting ♦ 6:00 PM

MINUTES

I. Call to Order

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

Members Absent: None

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.

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

III. Requests for Determination of Applicability

8 Boardman Avenue, Dana Landry – install a low-impact mooring within Land Under Ocean, Land Subject to Coastal Storm Flowage, and mapped Eelgrass Habitat
New **2023-0010**

Ms. Bertoni read the legal notice into the record. Evin Guvendiren of DeRosa Environmental Consulting, Inc. presented. Ms. Guvendiren worked with both the Harbormaster and Manchester Mooring Service on this project to come up with a low impact design. The mooring will be installed with a helical anchor. It will be 10' long and 8" above sea floor. The rode will be ¾" thick and 25' long. There will be a flotation buoy to keep it off the sea floor. The design is consistent with other moorings installed in the area. The exact coordinates have not yet been determined by the Harbormaster but will be within the riparian rights of 8 Boardman Avenue. The mooring will be in surveyed eelgrass habitat.

Vote: To issue a Negative 2 Determination of Applicability with 8 special conditions.

Motion: Ms. Oseasohn

Second: Dr. Hayes

Actual Vote: 5-1

Steve Gang – Yes, Sari Oseasohn – Yes, Olga Hayes – Yes, Jeff Bodmer-Turner – Yes, Henry Oettinger – No, David Lumsden - 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 (NDZ) Buffers to Coastal Bank

Continued from 4/18/23, 5/9/23, 5/30/23

DEP File #39-0892

Mike DeRosa of DeRosa Environmental Consulting, Inc. presented. Kris Horiuchi of Horiuchi Solien, Inc., Greg Ehrman, architect, Jay Polakiewicz of Hancock Associates, Jeff Lawler, builder, Adam Zaiger, attorney, John

Creighton, representative and the homeowners were in attendance. Mike DeRosa presented. The team was tasked with looking at alternatives and they looked at four alternatives and the do nothing alternative. They looked at the planning and design phase, the construction duration phase, the cost premium, the area of Coastal Bank disturbance, the area of construction disturbance, the building square footage, and the area of mitigation. The four alternatives were: remove cottage and renovate the existing carriage house, remove cottage and relocate onsite, renovate cottage at current location, and the preferred alternative to reconstruct cottage at current location. It is more efficient and sustainable.

Mr. Ehrman pointed out that there are unknowns with the renovation process with the cottage. They don't know if the foundation will hold together and may need to be replaced. With renovating the foundation, it will need to be tied to the ledge, then the house is tied to the foundation. With repairs over time this would be more detrimental to the bank. The alternative to move the cottage leaves a void that will need to be filled with flowable fill which is a pumped concrete. Utilities would also need to be moved.

Dr. Oettinger voiced opposition to having the cottage foundation rebuilt.

Mr. Lumsden felt there would be too much impact to Coastal Bank.

Dr. Hayes reminded the Commissioners the function of the Coastal Bank was storm damage prevention, and she did not feel the current proposal would affect that and it made the most sense.

Dr. Bodmer-Turner felt all his questions on the rebuilt foundation were answered and supported the current proposal. He appreciated the work done on the Alternative Analysis.

Ms. Oseasohn felt the current proposal was the least impactful and supported it.

Mr. Ehrman in response to questions regarding the partially built foundation next to the cottage, he explained that it was a frost wall and there will be no hole when removed. It is built on existing grade. It is in an area they wish to restore.

Vote: To close the hearing.

Motion: Dr. Oettinger

Second: Dr. Hayes

Actual Vote: 6-0

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

31 Smith's Point Road, William and Ellen Cross – to raze and rebuild a cottage including associated utilities relocation and an upgrade of the existing septic system per Board of Health Standards within the 100', 50' No Build Zone and 30' No Disturb Zone Buffers to Coastal Bank

Continued from 5/9/23, 5/30/23 (no discussion)

DEP File #39-0893

Per Mr. Gang the applicant asked for a continuation without discussion to the 8/1/2023 meeting.

Vote: To continue the matter to the 8/1/23 meeting.

Motion: Mr. Gang

Second: Dr. Bodmer-Turner

Actual Vote: 6-0

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

9 Crooked Lane, Gerald Dackert, Dackert Realty Trust – construction of a single-family house with associated utilities within the 30' No Disturb Zone (NDZ), 50' No Build Zone, and 100' Buffers to Vernal Pool Habitat

Continued from 5/30/23

DEP File #39-0894

Brian Ford presented. A site walk occurred. They are not planning on doing any blasting, but it may be a possibility.

Vote: To close the hearing.

Motion: Dr. Oettinger

Second: Ms. Oseasohn

Actual Vote: 6-0

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

37 Vine Street, Michael Kirk – install an inground pool, patio, and associated other structures; replace existing driveway and patios within Riverfront Area Resource and within the 100' Buffer to Bordering Vegetated Wetlands

New

DEP File #39-0895

Ms. Bertoni read the legal notice into the record. Maureen Herald of Norse Environmental presented. Chris Underwood of Mountain Landscapes in attendance. The proposed plan is to install a pool and pervious patio. There is also a plan to remove the asphalt driveway and replace it with a gravel driveway as well as add a covered porch. There will be a vegetated swale, rooftop infiltration, grading and associated utilities. Pool and patio can be considered exempt under the Wetland Protection Act (WPA), she notes, and this construction is all in lawn area. They are improving the Riverfront area with the vegetated swale, rooftop drainage, erosion controls and improved driveway. There will be a net increase of impervious of 10 sf.

Dr. Hayes felt the property was being improved even with the addition of the pool.

Ms. Bertoni was not sure that the impacts from the pool and patio can be exempted from the calculations of new impervious. It is the Conservation Commission who determines if something is exempt. This was confirmed by the NERO circuit rider.

Ms. Herald pointed out that the exemptions are clear in the WPA and that is why she did not include square footage. The pool is proposed to be 525 sf and the patio 400 sf (pervious). There are also added improvements with the 5' wide swale and drainage and the homeowner is open to additional improvements. The current proposal has 1678 sf of mitigation. It meets the 10% requirement for mitigation.

*** 7:00 Chair Steve Gang had to leave the meeting to attend the Select Board meeting. Sari Oseasohn took over as host of the Conservation Commission meeting.

This project is considered Redevelopment in Riverfront. The current parcel is 8116 sf and there is 2772 sf of existing impervious. The mitigation proposed would offset the 535 sf of added impervious but the applicants are open to more mitigation if needed. Lawn could be removed, and more native plants added.

Ms. Bertoni had questions on the depth of the pool, would it encounter existing ground water levels and what would happen if it did.

Mr. Underwood told the Commission that the bottom of the pool will be 1' below any high water. The pool is not sitting in any water so there is no cause for alarm. There are no signs of water issues. The basement was dry upon inspection. If water did rise, the water would spill into the pool. There is 4" in available surface before spilling over. The pool would not lift out of the ground. The location of the proposed infiltration chamber could be located closer to the homeowner's house.

Peter Baciu, abutter, was concerned that infiltration near the slope would cause erosion.

Ms. Bertoni thought it would be helpful to have the information on the pool and devices so that they are not displacing any BLSF. She could send all the comments and questions to Norse Environmental.

Ms. Herald pointed out that they could look at alternative locations for infiltration as well as the option of an infiltration trench.

Barbara Storella who lives on the corner of Vine Street and Norwood Avenue was concerned about any more stress on the water system and what will be the long-term effects on the whole neighborhood.

Vote: To continue the matter to the next meeting on 7/11/23.

Motion: Mr. Lumsden

Second: Dr. Oettinger

Actual Vote: 5-0

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

V. Reconvene Regular Meeting

VI. 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, continued to 5/9/23, 5/30/23 **DEP File #39-363**

Per Ms. Bertoni the applicant had requested that this hearing be continued to the 7/11/23 meeting.

Vote: To continue the matter to the next meeting on 7/11/23.

Motion: Ms. Oseasohn

Second: Dr. Bodmer-Turner

Actual Vote: 5-0

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

14 Highland Avenue, Builders by the Sea – construction of a single-family dwelling within the 100' Buffer to Bordering Vegetated Wetland

New

DEP File #39-0860

Bill Manuell of Wetland and Land Management presented. Scott Johnson, applicant, was in attendance. There was an Order of Conditions to construct a home. All work was done. Mr. Manuell and Ms. Bertoni did a site walk the previous week. The ground is stable in the Buffer Zone.

There were deviations. The home was rotated towards the street and away from the ledge. This decreased 370 sf of impervious surface in the Buffer Zone. An up and down staircase had been proposed by the patio, it is now a circular staircase which had less disturbance in the Buffer Zone. On 4/22/23 Mr. Manuell performed an assessment of the C-series wetland, as required in Special Condition #19, and numerous wood frog egg masses were found. A letter was sent to Manchester Essex Land Trust. Plantings in the rear of the building were not installed due to ledge out crops. Clumps of straw from erosion controls were found along the maintained lawn and raked up. The project was built in substantial compliance. A sprinkler system was installed in the grass within the 100' Buffer.

Dr. Hayes thought there was talk of putting up signage pointing out the right-of-way to Western Woods that is on the property, but it was never added as a condition.

Ms. Bertoni pointed out that the irrigation of the sod lawn (not approved) may be causing erosion problems near Crooked Lane and needed to be addressed.

Mr. Manuell was not sure the erosion was due to the irrigation runoff, and it was outside the Buffer Zone. He felt it was a product of topography.

Ms. Bertoni explained that this was brand new construction. It will not affect the immediate resource but could result in storm water runoff to the street.

Mr. Johnson informed the Commission that the property had been sold to a new owner. He did not think the sprinkler system was the cause of the erosion.

Mr. Manuell pointed out that the sprinkler system was a very small component of the project and not contributing to the problem out front. He felt there was a simple solution to fix the erosion problem with stones features to disperse water.

Vote: To continue the matter to the next meeting on 7/11/23 with landscape changes to address erosion to be made.

Motion: Ms. Oseasohn

Second: Dr. Oettinger

Actual Vote: 4-1

Sari Oseasohn – Yes, Olga Hayes – Yes, Jeff Bodmer-Turner – Yes, Henry Oettinger – Yes, David Lumsden – No

VII. New/Other Business:

Western Wood Clean Up Day: Dr. Bodmer-Turner gave an update. The Clean Up day was on 6/20/23. There were 20 volunteers which included MECT, Cape Ann Trail Stewards and himself. In two hours, they filled over 40 construction grade trash bags, added a pile of metal, and remnants of a pool cover. The DPW was going to remove everything.

CPC-Funded Causeway Brook Restoration: Mary Rimmer of Rimmer Environmental did an on-site assessment on 5/23/23. There should be a plan submitted in a week or so.

Beech Leaf Disease: Ms. Oseasohn informed the Commission that the disease was being tracked but there was not a lot of clarity as to what can happen. Dr. Hayes had talked with Mayer Tree and there was a spray to help delay the disease, but the disease may take up to 80% of the Beech Trees.

Remote Meetings: The Commission preferred to stay remote as long as it was legally possible. Dr. Bodmer-Turner felt it was more convenient for the applicants and the consultants.

Letter Permit:

Replacement of Utility Pole near 2 Harold Street by Mass Electric.

21 Proctor Street: Ms. Bertoni and Mike DeRosa of DeRosa Environmental Consulting did a site visit and reviewed the salt marsh vegetation growth. Laura West, homeowner, joined them at the top of the meeting but couldn't stay for the whole site visit. Mr. DeRosa is still working with the homeowners with the design and final placement of the monuments.

There are stones on the existing wharf. Mr. DeRosa will work with the owners about getting it permitted. The gangway remains and needs to be included in a Ch. 91 license.

VIII. Orders of Conditions:

19 Smith's Point Road: Conditions were discussed.

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

Motion: Dr. Bodmer-Turner

Second: Dr. Oettinger

Actual Vote: 3-2 (five member quorum present for the vote)

Sari Oseasohn – Yes, Olga Hayes – Yes, Jeff Bodmer-Turner – Yes, Henry Oettinger – No, David Lumsden – No

Motion passes

9 Crooked Lane: Conditions were discussed.

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

Motion: Ms. Oseasohn

Second: Dr. Oettinger

Actual Vote: 5-0

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

Motion passes

IX. Minutes:

4/18/23: The Commissioners found no edits.

Vote: To accept the minutes as submitted.

Motion: Dr. Hayes

Second: Ms. Oseasohn

Actual Vote: 5-0

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

Motion passes

X. Adjournment:

There being no further business, the meeting was adjourned at 8:35 p.m. The motion was presented by Dr. Hayes, seconded by Ms. Oseasohn, and approved unanimously.

Submitted by,

Eva Palmer

XI. Meeting Documents:

- CPC Causeway Brook Project
- Request for De Minimis Change for 8 Boardman Avenue submitted by Dana Landry.
- Notice of Intent for 9 Crooked Lane submitted by Gerald Dackert, Dacker Realty Trust.
- Notice of Intent for 19 Smith's Point Road submitted by Meredith & John Pasquesi.
- Notice of Intent for 37 Vine Street submitted by Michael Kirk.