



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

July 11, 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

38 Bennett Street, Natasha McLaren – install drainage improvements within Riverfront Area Resource New 2023-0011

Ms. Bertoni read the legal notice into the record. John Filias of Jeffrey's Creek presented. Currently the sump pump drain is in the middle of the lawn which makes a muddy wet spot. The homeowner wanted a more permanent solution. The first option was to replace the pipe and have it go to the edge of the lawn, near stream bank, and go into a level spreader. This was the more affordable option. Option 2 was to replumb inside the house and have the sump pump exit outside the house and tie into the street storm drain. That was a larger project option. Mr. Filias had met with DPW to discuss drainage designs.

Mary Peart of 35 Bridge Street was concerned that the drainage system does not add more water into the marsh. After hearing the design, she felt this project would not add more water. Mr. Filias agreed, this project would not add more water.

Ms. Bertoni suggested the spreader be located further back from the bank.

Vote: To issue a Negative 2 and Negative 3 Determination of Applicability with 6 special conditions.

Motion: Dr. Hayes

Second: Dr. Oettinger

Actual Vote: 6-0

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

Town of Manchester Reed Park, Harbor, Beach Street, Town of Manchester Harbormaster Bion Pike – proposed soil borings within Land Under Ocean

New

2023-0013

Ms. Bertoni read the legal notice into the record. Bion Pike, Harbormaster, Nate Derosiers, DPW, and Jeremy Packard of Foth Engineering in attendance. Muraad Washington of Foth Engineering presented. The proposed plan is to take three water borings located within the harbor and 300' from Reed Park. Data collected from

these boring will support the planning and design efforts which include pile supported floats that will be a future Notice of Intent. The borings will roughly follow the alignment of the future floats. Each boring should take approximately one day to complete. The project should take three to five working days. The borings have a 4" diameter casing. Only two borings are in the mapped shellfish suitability area and there will be minimal impact.

Vote: To issue a Negative 2 Determination of Applicability with 4 special conditions.

Motion: Mr. Gang

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

92 Ocean Street, Manchester Essex Conservation Trust (MECT) – install a temporary sampling device, “marsh organ”, to facilitate collection of data on salt marsh grass within Salt Marsh and Land Under Water

New

2023-0014

Ms. Bertoni read the legal notice into the record. Gordon Ober of Endicott College presented. Dr. Ober, in collaboration with the Gloucester Marine Genomics Institute, will be researching what happens to the microbial community in salt marshes relative to sea level rise. He will use a sampling device called a marsh organ which is 5' wide and 3 ½' tall made of PVC piping that hold a core of salt marsh grass and will sit off the edge of the marsh. The experiment will run through mid-September. He and students will walk out to the spot several times to get samples. The data he will gather will give a snapshot of the changes of microbial communities. This information will give a more complete picture of effects of tidal inundation. At the end of the experiment the marsh organ will be removed. Dr. Ober plans to put up signage explaining the marsh organ.

Vote: To issue a Negative 2 Determination of Applicability with 5 special conditions.

Motion: Ms. Oseasohn

Second: Mr. Lumsden

Actual Vote: 6-0

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

118 Bridge Street, Dave Reissfelder – removal of two compromised trees within Inland Bank, 30' Buffer to Inland Bank

New

2023-0012

Ms. Bertoni read the legal notice into the record. David Reissfelder, homeowner, presented. The project is the removal of two trees. One large tree near inland bank had fallen into a Silver Maple and was a safety concern, the other is a damaged smaller Norway Maple which the arborist, Iron Tree, said was not a viable tree.

Vote: To issue a Negative 2 and Negative 3 Determination of Applicability with 4 special conditions.

Motion: Mr. Gang

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

IV. Notices of Intent

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

Per Mr. Gang the applicant requested a continuance to the 8/22/23 meeting.

Vote: To continue the matter to the 8/22/23 meeting.

Motion: Mr. Gang

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

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

Continued from 6/20/23

DEP File #39-0895

Maureen Herald of Norse Environmental presented. Chris Underwood of Mountain Landscapes and the homeowner, Michael Kirk, were in attendance. A revised plan was submitted to address concerns of the Commission and of neighbors. Originally the roof drain connected to a cultec chamber. It was decided to eliminate the cultec system and instead install a 1' wide, 1' deep infiltration trench around the porch. For added mitigation there will be a 5' wide vegetated swale along the easterly property. This adds 286 sf of mitigation for a total of 1717sf. There is a high water table. During construction, dewatering may be necessary, so a dewatering detail was added to the plan. The pool will have depths from 3'-6'. Information on the hydrostatic relief valve was submitted.

Peter Baciu of 35 Vine Street wanted to make sure that the project would not exacerbate the high water in adjacent yards.

Mr. Underwood the pool designer and installer pointed out that during construction there would be water siltation bag and leach out on site if needed. There will be no permanent dewatering pump below the pool. Ms. Herald added that the vegetated swale will collect some surface runoff. There will be native plantings added to the swale. She has not seen appreciable water going towards the slope. There is no added slope to this construction.

Barbara Storella and Joan Endicott of Norwood Avenue were both concerned with the high-water table and blasting.

Ms. Herald did not find ledge looking at soils. She pointed out that she constructed a design that takes in consideration the environment. Water from the bags will eventually release water as conditions permit.

Ms. Bertoni added that blasting was not allowed. If it is needed the order would need to be amended.

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

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, 6/20/23, continued to 8/1/23
DEP File #39-363

Per Mr. Gang the applicant had requested that this hearing be continued to the 8/1/23 meeting.

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

Motion: Mr. Gang

Second: Dr. Oettinger

Actual Vote: 6-0

Steve Gang – Yes, 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

6/20/23, continued to 8/1/23

DEP File #39-0860

Per Mr. Gang the applicant had requested a continuance to the 8/1/2023.

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

Motion: Mr. Gang

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

VII. New/Other Business:

Water Resource Task Force: Mr. Gang gave an update. The final meeting would occur in a week. Recommendations have submitted. There is a plan to re-staff the Sustainability Committee. The suggested new water rates will be considered at the next Select Board meeting. If the new water rates go through more than half of Manchester residents will see a decrease in their water bill.

CPC Funded Causeway Brook Restoration: Ms. Oseasohn gave an update. Mary Rimmer of Rimmer Environmental has completed the analytic phase and looking at implementation. Fence replacement is being considered. CPC funds could pay for it. Ms. Bertoni had discussed this with MERSD.

Remote Meetings: The Commission preferred to stay remote. They felt it is more efficient and easier for applicants and consultants.

Cell Signaling Site-Atwater Avenue: Ms. Bertoni gave an update on the MEPA site visit which occurred on 7/10/23. Phase 1 will be the construction of the infiltration features and Phase 2 will be the rest of the project. Blasting is anticipated. They are taking advantage of solar opportunities as well as geothermal opportunities. The Town will do the road portion of the project where the utilities will run to the site. There is no impact on the 40B/Shingle Hill site. An Environmental Impact Report is not mandatory for this project.

Letter Permit:

14 Forest Lane: Emergency tree removal. Two trees removed, 1 dead and 1 leaning towards the house.

Expenditures: The MACC annual dues are due.

Vote: To approve \$829.00 for MACC dues.

Motion: Mr. Gang

Second: Dr. Oettinger

Actual Vote: 6-0

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

21 Proctor Street: Ms. Bertoni gave an update. Mike DeRosa of DeRosa Environmental Consulting has been working with the homeowners and have a plan for placing the boulders and adding plaques. He will talk with them about getting a Ch. 91 license for stone and ramp. The plugs are taking. More of the sandy fill may need to be removed to encourage the growth underneath and a few more plugs may be added.

New Conservation Board Member: The Select Board interviewed and approved Gordon Turner as the Conservation Commission's 7th board member.

VIII. Orders of Conditions:

37 Vine Street: Conditions were discussed.

Vote: To issue an Order of Conditions with general, standard perpetual, and 9 special conditions.

Motion: Dr. Bodmer-Turner

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

IX. Minutes: None

X. Adjournment:

There being no further business, the meeting was adjourned at 7:50 p.m. The motion was presented by Dr. Bodmer-Turner, seconded by Dr. Oettinger and approved by acclamation.

Submitted by,

Eva Palmer

XI. Meeting Documents:

- Request for Determination of Applicability for 38 Bennett Street submitted by Natasha McLaren.
- Request for Determination of Applicability for 118 Bridge Street submitted by Dave Reissfelder.
- Request for Determination of Applicability for Town of Manchester Reed Park, Harbor, Beach Street submitted by Town of Manchester Harbormaster Bion Pike.
- Request for Determination of Applicability for 92 Ocean Street submitted by Manchester Essex Conservation Trust.
- Notice of Intent for 31 Smith's Point Road submitted by William and Ellen Cross.
- Notice of Intent for 37 Vine Street submitted by Michael Kirk.
- Emergency Tree Permit for 14 Forest Lane.