



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

August 1, 2023

Zoom Virtual Meeting ♦ 6:00 PM

MINUTES

I. Call to Order

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

Members Absent: David Lumsden, Henry Oettinger

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. Mr. Gang welcomed the newest member of the Commission, Gordon Turner, who was a member of the Water Resource Task Force.

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

III. Requests for Determination of Applicability

11 Magnolia Avenue, Gary Gilbert – hardscape landscaping improvements within Riverfront; and 30' No Disturb Zone, 50' No Build Zone, and 100' Buffers to Inland Bank

New

2023-0015

Ms. Bertoni read the legal notice into the record. Mr. Gilbert was in attendance. There will be stone dust under the rocks and earth between the steppingstones. Manchester DPW had no issue with replacement of hard pack adjacent to the road.

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

Motion: Ms. Oseasohn

Second: Dr. Bodmer-Turner

Actual Vote: 5-0

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

Continued from 5/9/23, 5/30/23 (no discussion), 6/20/23 (no discussion, continued to 8/1/23), continued to 8/22/23

DEP File #39-0893

The Commission had voted last meeting to continue this hearing to the 8/22/23 meeting. No further action required.

V. Reconvene Regular Meeting

VI. Requests for De Minimis Change

201 Pine Street, Black Earth Compost, Chuck Dam, Manchester DPW – construction of a regional compost facility within the 100', 50' No Build Zone, and 30' No Disturb Zone Buffers to Bordering Vegetated Wetland at the existing Town Transfer Station

New

DEP File #39-0827

Andrew Brousseau of Black Earth Compost presented. He would like to expand the transfer station area by 5' to make for more space for cars to navigate around. The plan is to replace the 2-1 slope to the 30' No Disturb Zone buffer line and have a retaining wall installed that would be approximately 60' long, no more than 4' high, with associated grading. There will be a fence attached to the back of the retaining wall for safety.

Vote: To grant a de minimis change with all conditions remaining.

Motion: Mr. Gang

Second: Dr. Hayes

Actual Vote: 5-0

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

VII. 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

Ms. Bertoni had received a written request from the consultant to continue the hearing to the 8/22/23 meeting. They were working on language for the Conservation Restriction.

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

Motion: Mr. Gang

Second: Dr. Bodmer-Turner

Actual Vote: 5-0

Steve Gang – Yes, Sari Oseasohn – Yes, Olga Hayes – Yes, Jeff Bodmer-Turner – Yes, Gordon Turner – 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 consultant had requested a continuance to the 8/22/2023.

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

Motion: Mr. Gang

Second: Ms. Oseasohn

Actual Vote: 5-0

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

VIII. New/Other Business:

Water Resource Task Force: Mr. Gang gave an update. The Task Force was disbanded on schedule on 7/1/23. The recommendations to set up a Water Advisory Board or to enact changes in the water rates to encourage conservation were declined by the Select Board. The rate change increase will be reconsidered in September.

Sustainability Committee: The Sustainability Committee is looking for two members and would be a natural place for conservation aspects of the Water Resource Task Force recommendations. This committee could use some part time staff. The challenge is to keep volunteers to continue the work.

CPC Funded Causeway Brook Restoration: Ms. Oseasohn gave an update. An assessment from Mary Rimmer of Rimmer Environmental has been submitted and the next step is to share with other Conservation Commission members. Ms. Rimmer looked at the triangle area by the school that is bordered by Sawmill and Causeway Brooks.

The ecological restoration would be the removal of invasive plants (aquatic and terrestrial) and replanting of natives. The estimate for all the implementation is \$70,000. The CPC grant is \$35,000.

Ms. Oseasohn discussed next steps with Ms. Bertoni. They may have Ms. Rimmer look at what could be prioritized work that could be completed within the budget and call it Phase 1. They will need more funding to do the remaining work.

Ms. Bertoni pointed out that there is emergent vegetation that is native. The smaller Norway Maples could be removed and replaced with Black Cherry and Red Maples. It would be wise to implement all recommendations. The outstanding issue is the school hasn't determined the type of fencing to be installed.

Ms. Oseasohn also brought up that there are funds remaining for the Western Woods project. She will try to get access to the original proposal. She didn't think anyone was shepherding that project.

15 Smith's Point Road: Mr. Gang informed the Commissioners that the Conservation Commission is being sued by the homeowner at 15 Smith's Point Road over the denial of keeping the sea walls. This decision was appealed under the local bylaw. The Commission will wait for further information from Town Counsel.

92 Ocean Street: DEP appealed the decision by the Commission stating that the filing should have been a NOI not a RDA. The marsh organ had been installed and gathering data. Ms. Bertoni was surprised by this appeal. She felt the Commission made a sound decision for a temporary installation and will find out what the issue is.

Letter Permit:

Elm Street (Cross Court): Ms. Bertoni received a phone call from Tom Henderson, Town Tree Warden, about a couple of trees, one leaning Red Oak, one dead Ash tree on conservation land. Ms. Bertoni told him she had no issues with this.

Cell Signaling (Atwater Avenue): The plan set for the extension of water and sewer has been shared by the consultants. Water usage is expected to be substantial. DPW has said that this will not affect the 40B project on Shingle Hill.

Chebacco Road: There is a plan to remove 150 trees along Beck Pond and Chebacco Road, in the vicinity of Gravelly Pond. This is to allow for storm management devices that are to be installed. The Tree Warden and the DPW Director are the same person which may be a conflict of interest. A third party may review it all.

21 Proctor Street: Ms. Bertoni spoke with Mike DeRosa of DeRosa Environmental Consulting. A field agent was out and spoke with the homeowners. The most likely plan will be to put up boulders with plaques. There is still outstanding stone on the wharf. It is still uncertain if the homeowners have a Ch. 91 license. Growth is coming in. Ms. Bertoni will continue to work on this issue.

National Grid Letter: Ms. Bertoni informed the Commissioners that National Grid was replacing utility poles on Loading Place Road. She received an advisory letter; they do not need to file with the Commission.

IX. Orders of Conditions: None

X. Minutes:

6/20/23: Commissioners discussed edits. Dr. Bodmer-Turner was concerned that conditions from decisions were being sent off without review from the Commissioners. Many Commissioners did not feel the need to review them again. Ms. Bertoni explained that the decision needs to be sent out within 21 days. The decision was to keep the procedure the same.

Vote: To approve the minutes as amended.

Motion: Mr. Gang

Second: Dr. Hayes

Actual Vote: 3-0 2 Abstained

Steve Gang – Abstained, Sari Oseasohn – Yes, Olga Hayes – Yes, Jeff Bodmer-Turner – Yes, Gordon Turner – Abstained

7/11/23: Commissioners discussed edits.

Vote: To approve the minutes as amended.

Motion: Mr. Gang

Second: Dr. Hayes

Actual Vote: 4-0 1 abstained

Steve Gang – Yes, Sari Oseasohn – Yes, Olga Hayes – Yes, Jeff Bodmer-Turner – Yes, Gordon Turner – Abstained

XI. Adjournment:

There being no further business, the meeting was adjourned at 7:15 p.m. The motion was presented by Dr. Hayes, seconded by Ms. Oseasohn and approved by acclamation.

Submitted by,

Eva Palmer

XII. Meeting Documents:

- Request for Determination of Applicability for 11 Magnolia Avenue submitted by Gary Gilbert.
- Notice of Intent for 31 Smith's Point Road submitted by William and Ellen Cross.
- De Minimis Change Request for 201 Pine Street submitted by Black Earth Compost and Manchester DPW.