



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

March 8, 2022

Zoom Virtual Meeting ♦ 6:30 PM

MINUTES

I. Call to Order

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

Members Absent: John Judge, Ashley Ochs

Conservation Chairperson 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. Recess for Public Hearings under Wetlands Protection Act and Local Wetlands By-Law

III. Requests for Determination of Applicability

9 Tuck's Point Road, Jeffrey Kaneb – selective tree pruning on Coastal Bank

New

2022-0003

Matt Natti of Cape Ann Tree Services presented. There are a number of trees, primarily Oak and some Red Maples, that are directly on the Coastal Bank. They are growing on a cliff (Coastal Bank) with very little topsoil. The proposed plan is to selectively prune tops of these trees and manage the overall height of the trees. The trees would be maintained at a lower height. This would improve the overall health of the trees. Ms. Bertoni had done a site visit with Mr. Natti. The site was stable, and all work would be done by hand.

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

Motion: Ms. Oseasohn

Second: Dr. Oettinger

Actual Vote: 5-0

15 Proctor Street, David McHale – removal of an existing stone wall and minor regrading within the 100' Buffer to Coastal Bank (Salt Marsh)

New

2022-0004

Brian Stein of BDS, Inc. presented. He and Ms. Bertoni had a site walk. Due to septic tank setbacks the pool must be pushed towards the harbor placing it just inside the 100' Buffer Zone by 8 sf. There is a stone wall that may need to be partially removed. A revised plan has been drawn up. Ms. Oseasohn felt the intrusion into the Buffer seemed *de minimis*. Ms. Bertoni informed the Commission that the wall is a two-tiered, granite block wall that is 90-100 linear feet in length and in the 100' Buffer. The site is stable, all grass. The house which was built outside the 100' Buffer is brand new. The stone wall is a new unpermitted structure installed by previous owner. The Commissioners requested a site visit, and one was scheduled for Saturday 3/12/22 at 9:45 a.m.

Vote: To continue the matter to the 3/29/22 meeting.

Motion: Mr. Gang

Second: Dr. Oettinger
Actual Vote: 5-0

IV. Notice of Intent

2 Boardman Avenue, Two Boardman Avenue. LLC – for installation of a timber pier, seasonal gangway & float, retaining wall, and granite steps within Land Subject to Coastal Storm Flowage, Coastal Bank, Rocky Intertidal Shore, Land Under Ocean, and 100', 50' No Build Zone, and 30' No Disturb Zone Buffers to these resources

Continued from 1/18/22, 2/15/22

DEP File #39-0868

Susan St. Pierre presented. Lucas Taylor in attendance. The decision was made to eliminate the proposed retaining wall including the regrading behind it. The current wall will stay where it is, part of which will be raised to match the existing wall. The stepping-stones near the patio will remain. The project is the same minus the extension of the wall and the added fill and grading. The impact to the resource area has been reduced from 985 sf to 191 sf. The impact to Land Under Ocean is 1.5 sf. Alternatives were considered and this plan met the performance standards except for the eelgrass intrusion and there is just one anchor. The Commissioners appreciated the changes made.

Vote: To close the hearing.

Motion: Mr. Gang

Second: Dr. Oettinger

Actual Vote: 5-0

27 Old Neck Road, Kenneth & Dorota Keverian – a proposed ecological restoration, pathway and new seating area within the 100', 50' No Build Zone, 30' No Disturb Zone Buffers to Coastal Bank, and within the Conservation Restriction (CR) held by MECT

New

DEP File #39-0870

Evin Guvendiren of DeRosa Environmental Consulting Inc. presented. Ben Staples, arborist, and homeowner Mr. Keveryan were in attendance. The proposed plan included: invasive species removal, native species planting, a long-term Operations and Management Plan, restorative pruning and tree management, an ocean lookout and walkway, and an existing timber stair restoration. There are two Red Oak proposed to be removed and replaced. The ocean lookout area is within the CR and is a 10X14 granite slab patio with a stepping-stone walkway and plant a privacy screen in front of the patio area. The existing staircase that goes to the beach is in need of replacing, the timber replaced with granite.

Patrice Murphy, Executive Director of Manchester Essex Conservation Trust (MECT) felt that some of the design, pruning and patio did not support the CR's intent to preserve the scenic view from the beach and had not given an approval letter at that time.

The Commissioners requested a site visit, and one was scheduled for Saturday March 19 at 10:00 a.m. Evin Guvendiren would submit a revised plan due to a delineation discrepancy. The area in the 30-50' Buffer is Coastal Bank not Coastal Beach.

Vote: To continue the matter to the 3/29/22 meeting.

Motion: Mr. Gang

Second: Dr. Oettinger

Actual Vote: 5-0

V. Reconvene Regular Meeting

VI. New/Other Business

112 Pine Street: Scott and Andrew Milne came before the Committee for an unpermitted structure within Riverfront. Ms. Bertoni had a site visit. A tented structure was constructed, built on existing pavement with a

crushed stone base put down and mats on top. The structure is staked to the ground. The owners would like to relocate the structure to another area that is on existing asphalt still in Riverfront. It is to be used for storage of a car. It is not a temporary structure; they plan to keep it up for two years. This property has been a plumbing operation going back many years (1897). The Commissioners feel an RDA is appropriate before the structure is moved.

Ms. Bertoni informed the Commissioners that she had received emails from abutters concerned with what might be stored there, contamination of the brook and the unpermitted structure. Peter Minasian of 5 Woodholm Road was concerned about effect on trees, two lindens may be heritage trees under the Town Tree Policy.

Water Resources Task Force: Mr. Gang informed the Commission that a couple of meeting had occurred. There was a briefing from Chuck Dam, DPW Director of the current set up. Working teams are being formed. The next meeting is 3/16/22. The guest speaker will be Scott Horsley to discuss the 1990 report.

CPC Preservation of Conservation Land: Ms. Oseasohn is working with Town Planner Sue Brown to draft a Request for Proposal for a consultant.

0 School Street 40B Application: Mr. Gang reminded the Commissioners that they had voted for a Wildlife Habitat Survey to be done. The applicant rejected it. Their argument was that the Conservation Commission does not have authority or jurisdiction to request this and the wildlife studies would be useless and irrelevant. The Town had offered to conduct and pay for this study if the applicant allowed entry and the applicant has refused entry. Mr. Gang suggested that the Commission require a new RDA filing for test pits the reasons for which are that a new wetland resources had been identified and previous work was not done to Conservation Commission requirements. A 60 pages of test pit logs, a partially complete form of raw data, was submitted to the ZBA and is currently being reviewed.

Vote: To require a new RDA before any work is done on test pits.

Motion: Dr. Oettinger

Second: Ms. Oseasohn

Actual Vote: 5-0

133 Essex Street, Hamilton: Mr. Gang spoke with a representative of Save Chebacco Trails and Watershed citizen group. They hope to give the Manchester Conservation Commission an update next meeting. The project is still before the Hamilton Planning Board.

Vernal Pool Certification Letter: Dr. Oettinger and Ms. Bertoni explored the area where there is a possible Vernal Pool. They walked into the area that is between Forest Lane and Loading Place Road. There is a substantial body of water there, at least 100-150' in diameter. Did not see any obvious inlets or outlets. Dr. Oettinger reached out to the MHA but had not received a reply yet. He would like to look periodically for the presence of egg masses and proceed from there. If the area is not being used as a Vernal Pool, there is no reason to get it certified.

Virtual/In Person Meetings: Ms. Bertoni informed the Commissioners that the Town is on the cusp of having hybrid meetings. They are awaiting equipment. The COVID protocol for remote meetings may end mid-July.

MACC: The 2022 Spring MACC annual meeting will be held virtually.

Keolis: Ms. Bertoni informed the Commissioners that Keolis had sent out the 2022 Notice of Yearly Operating Plan. If there are any new wells along the railroad, they asked to be informed. The issue still in discussion is whether herbicide spraying for vegetation removal is exemptible vs. mechanical removal which is not exemptible.

Letter Permit – 84 Pine Street: For removal of a couple of larger trees. Ms. Bertoni did a site visit.

VII. Orders of Conditions:

2 Boardman Avenue – Commissioners discussed conditions.

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

Motion: Mr. Gang

Second: Ms. Oseasohn

Actual Vote: 5-0

VIII. Adjournment:

There being no further business, the meeting was adjourned at 8:16 p.m. The motion was presented by Mr. Lumsden and seconded by Ms. Oseasohn and approved by unanimous consent.

Submitted by,

Eva Palmer

X. Meeting Documents:

- Requests for Determination of Applicability – 9 Tuck's Point Road submitted by Jeffrey Kaneb.
- Notice of Intent – 2 Boardman Avenue submitted by Two Boardman Avenue LLC.
- Notice of Intent – 27 Old Neck Road submitted by Kenneth & Dorota Keverian