



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 23, 2021

Zoom Virtual Meeting ♦ 6:30 PM

MINUTES

I. Call to Order

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

Members Absent: None

Conservation Chair 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. Requests for Extensions

Town of Manchester Beach Maintenance Plan, Nate Desrosiers, Manchester DPW – extend the existing Town-wide, Town-owned beach maintenance plan for one (1) year

New

DEP File #39-0777

Nate Derosiers of the DPW presented. He requested a one-year extension. Updating the Commission, the DPW has been working on the seawall at Singing Beach, and a large truck got stuck at the White Beach parking area. The effort of getting the truck out resulted in the parking area no longer being suitable enough for parking. The DPW is currently working on a plan to restore the parking area at White Beach. A proposal is in the works for a more solid base, so the cars will not sink in. Ms. Bertoni receives Work Initiation Forms from the DPW and a 1-year extension is recommended. Under emergency Covid-19 protocols, OOCs cannot expire, but DEP recommends keeping up with extensions. A meeting should be scheduled between the DPW Director and Ms. Bertoni, usually done one time per year, to discuss updates to the Town plan, if necessary.

Vote: To approve a one-year extension with existing conditions.

Motion: Mr. Gang

Second: Mr. Puopolo

Actual Vote: 7-0

Town of Manchester Road Maintenance Plan, Nate Desrosiers, Manchester DPW – extend the existing Town-wide, roadway maintenance plan for one (1) year

New

DEP File #39-0776

Nate Derosiers of the DPW presented. He requested a one-year extension. Mr. Judge asked that the DPW be opportunistic with monies coming for infrastructure projects.

Vote: To approve a one-year extension with existing conditions.

Motion: Mr. Gang

Second: Mr. Lumsden

Actual Vote: 7-0

III. Requests for De Minimis Change

11 Tuck's Point Road, Dana Landry – install a seasonal gangway & float, construct a pedestrian pathway, stairs, seating areas, and remove invasives on Coastal Bank, Rocky Intertidal Zone, Land Subject to Coastal Storm Flowage and within Buffers to these resources.

New

DEP File #39-0836

Mike DeRosa of DeRosa Environmental Consulting presented. Dana Landry, homeowner, in attendance. They are about to start construction on the project. North Shore Marine will be the contractor. The contractor would like to change the way the platform is stabilized and attached to the bedrock. He proposed four 6" cores going 1' into bedrock. Within the 6" core there will be a 4" post that come up with a bracket and the platform will be braced to the angle iron. This is proposed instead of using an articulating bolt on flanges. It is more robust, better stabilization and less coring into the bedrock.

Vote: To issue a De Minimis Change

Motion: Ms. Hayes

Second: Mr. Judge

Actual Vote: 7-0

IV. Requests for Certificates of Compliance

10 Brookwood Road, Christian Hill Trust, Eric H. Jostrom – installation of culvert and stone crossing in Land Under Water (seasonally flowing stream).

New

DEP File #39-216

39-216M

Mike Faherty, attorney, representing the former owners. This property was recently sold. The culvert allows the intermittent stream to flow beneath the driveway. The approved plan was basically a sketch and as-built plan is stamped and signed by John Judd. The culvert was installed in the mid '90s and is functioning fine. A final site inspection took place on 3/17/21 with Mr. Faherty. Ms. Bertoni informed the Commissioners that onsite signage was installed for the restoration project and the new owners should be alerted that the 4X4 post had fallen over. Otherwise, everything is in great shape.

Vote: To issue a Certificate of Compliance.

Motion: Mr. Gang

Second: Mr. Oettinger

Actual Vote: 6-0 1 abstained

19 Central Street, Charles Benevento / 19 Central Street, LLC – restorative enhancements: installing native vegetation, relocating stone retaining wall & boulders, relocating brick patio.

New

DEP File #39-0778

Ms. Bertoni informed the Commissioners that the applicant and consultant requested a continuance to the next meeting. There still was some work that needed to be done.

Vote: To continue the matter to the 4/13/21 meeting.

Motion: Mr. Gang

Second: Mr. Oettinger

Actual Vote: Unanimous Consent

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

VI. Requests for Determination of Applicability

27 Mill Street, Elizabeth Thomas – request to repair an existing septic system component within the 100’ Buffer and 50’ No Build Zone Buffer to Bordering Vegetated Wetland.

New

2020-0004

Milt Hamilton presented. The existing septic tank was damaged by a tree company. It would be a one-day job to install it. The plan is to put in the tank, loam, and seed, add straw and sod for seed to germinate. The new septic tank will be larger by 1’. The Board of Health has approved the plan. Ms. Bertoni has no issues with the plan. There is an outstanding Order of Conditions for the previous septic, and she would like that closed. Mr. Hamilton did not think the work was ever done.

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

Motion: Mr. Gang

Second: Ms. Oseasohn

Actual Vote: 7-0

VII. Abbreviated Notice of Resource Area Delineation (ANRAD)

0 School Street (map 43, lot 18), Geoff Engler, SLV School Street LLC – request for confirmation of boundary delineation of Bordering Vegetative Wetland (approximately 4,010 linear feet of boundary)

Continued from 10/13/20, 11/3/20, 11/24/20, 12/15/20, 1/9/21, 2/9/21, 3/2/21

DEP File #39-0834

Ms. Oseasohn presiding for this application. Ms. Oseasohn recaps the last meeting that had informed the applicant and consultant that the Commission had requested the peer reviewer continue through the next phase of data analysis.

Dan Wells of Goddard Consulting presented. Geoff Engler, developer, in attendance. Mr. Wells was fine with the request overall. He did not see the need for the use of a Go-Pro camera. It seemed more appropriate at the Notice of Intent phase of the project. It would be an additional cost to the applicant, and they are not seeking to confirm vernal pool boundaries. He initiated the survey today due to the rain. He confirmed that in the large wetland in the B-series that a loud chorus of wood frogs could be heard. This area is already a certifiable Vernal Pool. The season has started, the frog eggs should appear soon with salamander eggs in another week or so.

Mike DeRosa of DeRosa Environmental Consulting and peer reviewer for this project presented. There may be Blue Spotted Salamanders in this area and that is of particular interest because they are rare. There are many certified vernal pools in the wetland areas around the property. He has had success with getting film in the evenings when salamanders are active in the vernal pools. This is the right time to do this work. Using the Go-Pro camera would be another line of evidence. There is still a need to walk the pools and observe egg masses and other data. The Commission asked that Mr. Engler pay an additional \$3200 for the peer review without the camerawork and analysis of films. Mr. Engler agreed and would talk to his team regarding permission for use of the Go-Pro. It was suggested the Commission pay for Mr. DeRosa to use the Go-Pro camera.

Vote: To authorize Mr. DeRosa to do the peer review without the Go-Pro camera and do analysis with the applicant’s team with a cost of \$3200 to the applicant.

Motion: Ms. Oseasohn

Second: Ms. Hayes

Actual Vote: 7-0

Vote: If approved by applicant the Conservation Commission will underwrite the cost of the use of the Go-Pro camera for analysis of the site.

Motion: Ms. Oseasohn

Second: Ms. Hayes

Actual Vote: 7-0

Vote: To continue the matter to the 4/13/21 meeting.

Motion: Ms. Oseasohn

Second: Mr. Oettinger
Actual Vote: 7-0

VIII. Notice of Intent

21 Proctor Street, Thomas “Colby” & Laura West – request to install four greenheart piles for gangway and float and permit an existing wharf within Salt Marsh, Land Under Waterbodies, and Land Subject to Coastal Storm Flowage

Continued from 2/9/21, 3/2/21

DEP File #39-0843

The applicant requested a continuance to the 4/13/21 meeting.

Vote: To continue the matter to the 4/13/21 meeting.

Motion: Mr. Gang

Second: Mr. Oettinger

Actual Vote: Unanimous Consent

375 Summer Street, Paul Mehlman – request to replace an existing footbridge within Riverfront Area Resource and Salt Marsh

Continued from 3/2/21

DEP File #39-0840

Dan Ottenheimer of Mill River Consulting presented. Paul Mehlman, homeowner, in attendance. A site visit by the Commission occurred on 3/6/21. The footbridge which is in disrepair will be replaced with a metal one that will be 2' taller and secured with helical posts. Currently researching methods to make aluminum less shiny. The Commissioners had no further questions.

Vote: To close the hearing.

Motion: Mr. Gang

Second: Ms. Hayes

Actual Vote: 7-0

4 Crafts Court, Andre Markarian – proposed raze and rebuild of single-family home within Riverfront Area Resource

Continued from 3/2/21

DEP File #39-0842

Mike DeRosa of DeRosa Environmental Consulting, Inc. presented. Andre Markarian, homeowner, and Ben Staples of Cicoria Tree in attendance. A site visit by the Commission occurred on 3/6/21. A portion of Bennett's Brook, a channelized open perennial stream is located on the property. Part of the plan is to restore the area closest to the brook by bringing in vegetation and a diversity of plants. A letter was received from an abutter who was concerned about the removal of the linden trees. Some Commissioners were concerned about the removal of mature trees as well. Mr. DeRosa informed the Commission that the removal linden trees was for the well-being and stability of the stream bank itself and the mitigation area would be kept natural.

Mr. Gang was concerned about the driveway and requested alternatives that did not increase the impervious area. Mr. DeRosa had discussed options with the homeowner. There will be a drip edge at the garage and along the perimeter of the driveway that will infiltrate runoff and recharge the brook. The driveway is large and pervious options would be cost prohibitive and a lot of maintenance. The performance standards are met and there will be 1-1 mitigation.

Peter Miniasian of 5 Woodholm Road pointed out that one of the linden trees may qualify as a heritage tree and removal must go before the Board of Selectman per a new Town Tree Policy. Its root system keeps the bank in place. He feels mitigation is not needed in this area and is only being added because trees are being removed. He also pointed out that there are four drainage pipes that meet at this property, and they are degrading at the outfall in the stream bank. Mr. DeRosa informed the Commission that the stumps and roots of the trees would remain. Barry Richards of 1 Woodholm Road was concerned about who is responsible for the maintenance of the brook, especially if something were to go wrong with this project? Under the state act &

local bylaw, the Conservation Commission can approve maintenance activities for the brook but does not perform maintenance. Mr. DeRosa explained that this project meets the performance standards of the Riverfront Act. There is restoration close to the river and the development is away from the river.

Vote: To close the hearing.

Motion: Ms. Oseasohn

Second: Mr. Judge

Actual Vote: 4-3

100 Ocean Street, Preston Traverse – proposed additions to a single-family home and wetland restoration within Land Subject to Coastal Storm Flowage, Riverfront Area Resource, and 100', 50' No Build Zone & 30' No Disturb Zone Buffers to Coastal Bank, Salt Marsh

Continued from 3/2/21

DEP File #39-0841

Mike DeRosa of DeRosa Environmental Consulting, presented. A site walk by the Commission occurred on 3/6/21. This project is two small additions and an overhead garage. It is in the VE (Velocity) Zone.

Vote: To close the hearing.

Motion: Mr. Gang

Second: Ms. Hayes

Actual Vote: 7-0

144 Summer Street, Steven & Jennifer Athanas – proposed addition to an existing single-family home and after-the-fact permitting for a paved driveway within the 100' and 50' No Build Zone Buffers to bordering Vegetated Wetland

New

DEP File #39-0XXX

Andrew Crocker, Architect, presented. Steven Athanas, homeowner, in attendance. The project is a small addition. EPS Associates are the civil engineers. The driveway is currently a paved surface. Lori MacDonald, wetland scientist was hired. There will be a reduction in impervious area to meet the rules and regulations. There were concerns about water impacts to neighbors therefore water mitigation will be put in place. A 65' trench drain will be installed. A solution to alleviate water runoff into the neighbor's yard is needed. Some more engineering needs to occur. The Commissioners scheduled a site visit for Thursday 3/26/21 at 5:30 p.m.

Vote: To continue the matter to the 4/13/21 meeting.

Motion: Mr. Gang

Second: Mr. Oettinger

Actual Vote: Unanimous Consent

IX. Reconvene Regular Meeting

X. New/Other Business

Letter Permits: Ms. Bertoni issued one letter permits with the consultation of the chair and vice chair. 19 Raymond Street – for a small addition to connect two parts of a house. One sonotube will be installed.

0 School Street: Mr. Gang informed the Commissioners the approval of an expenditure is contingent on the applicant.

Conservation Restriction (CR) at Kettle Cove: Rus Brown, attorney for the applicant, was in attendance. Ms. Oseasohn felt the CR was straight forward and comfortable with it. Mr. Gang had no issues. The Conservation Commission will sign off and then it needs to go to the Board of Selectman to sign off.

Vote: To execute the CR in its current form as submitted.

Motion: Mr. Gang
Second: Ms. Oseasohn
Actual Vote: 7-0

XI. Orders of Conditions:

375 Summer Street – The Commission discussed conditions.

Vote: To issue an Order of Conditions with the understanding that they will do what they can to diminish the glare on the aluminum.

Motion: Mr. Gang
Second: Mr. Lumsden
Actual Vote: 7-0

4 Crafts Court – The Commission discussed conditions.

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

Motion: Ms. Oseasohn
Second: Mr. Judge
Actual Vote: 7-0

100 Ocean Street – The Commission discussed conditions.

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

Motion: Mr. Gang
Second: Mr. Oettinger
Actual Vote: 7-0

XII. Approval of Minutes – None

XIII. Adjournment:

There being no further business, the meeting was adjourned at 9:40 p.m. The motion was presented by Ms. Oseasohn and seconded by Mr. Oettinger and approved by 7-0.

Submitted by,

Eva Palmer

XIX. Meeting Documents:

- Request for Extension – Town of Manchester Beach Maintenance Plan for one year submitted by Nate Derosiers, DPW.
- Request for Extension – Town of Manchester Roadway Maintenance Plan for one year submitted by Nate Derosiers, DPW.
- De Minimis Change – 11 Tuck’s Point Road to install a seasonal gangway and float, construct pathway, stairs seating areas and remove invasives submitted by Dana Landry.
- Request for Certificate of Compliance – 10 Brookwood Road for installation of culvert and stone crossing submitted by Christian Hill Trust, Eric H. Jostrom.
- Request for Certificate of Compliance – 19 Central Street for restorative enhancements submitted by Charles Benevento/19 Central Street, LLC.
- Requests for Determination of Applicability – 27 Mill Street to repair an existing septic system component submitted by Elizabeth Thomas.
- Notice of Intent – 375 Summer Street for replace of an existing footbridge submitted by Paul Mehlman.

- Notice of Intent – 100 Ocean Street for proposed additions to a single-family home submitted by Preston Traverse.
- Surf Village Conservation Restriction – 37 Magnolia Avenue, Gloucester submitted by Kettle Cover PC & J, LLLC, Trustee of Surf Village Condominium Trust.