



MANCHESTER-BY-THE-SEA

CONSERVATION COMMISSION • TOWN HALL
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Telephone (978) 526-4397 FAX (978) 526-2001

Conservation Commission Meeting

June 21, 2022

Zoom Virtual Meeting ♦ 6:30 PM

MINUTES

I. Call to Order

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

Members Absent: David Lumsden, Ashley Ochs

Conservation Chairperson Mr. Gang opened the meeting at 6:30 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

35 Vine Street, Peter & Rem Baciú – replacement of an existing asphalt driveway with pavers within Riverfront Are Resource and 100' Buffer to Inland Bank

New

2022-0015

Homeowner Peter Baciú presented. The driveway had settled over the years and the proposed plan is to replace it with pavers within the same footprint. The joints between the pavers will be pervious. The joints will have an opening of 7.5 mm in width that narrows to 2.5 mm in width. For maintenance these joints will need to be re-established at some point. Maintenance will be added as a condition. Dr. Oettinger was concerned with the use of geotextile and the possibility of it moving over time. Ms. Oseasohn felt that erosion in that area was not as much an issue as the site was fairly flat.

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

Motion: Mr. Gang

Second: Dr. Oettinger

Actual Vote: 4-0

IV. Reconvene Regular Meeting

V. Requests for Extensions

27 Proctor Street, Michael Comb – After-the-fact NOI for a pier, ramps, and docks within Coastal Bank, Land Subject to Coastal Storm Flowage, Rocky Intertidal Shore, Land Under Ocean, Land Containing Shellfish, 30' No Disturb Zone Buffer to Coastal Bank

New

DEP File #39-0772

Mike DeRosa of DeRosa Environmental Consulting presented. An Order of Conditions (OOC) was issued for an after-the-fact Notice of Intent for the docks. The Chapter 91 license remains to be done and he needed a valid OOC to obtain the license. Mr. DeRosa requested a one-year extension. All work has been completed.

Vote: To grant a one-year extension.

Motion: Mr. Gang

Second: Dr. Hayes

Actual Vote: 4-0

VI. Requests for Certificates of Compliance

50 Summer Street, SC 50 Summer Street LLC – improvements to the parking area, remove gravel storage area, construct a pocket wetland, invasive species and debris removal, native species planting
Continued from 4/19/22 to 5/31/22 (no discussion on 5/10/22) to 7/19/22 **DEP File #39-0818**

This hearing had already been continued to the 7/19/22 meeting at the last meeting.

VII. Executive Session: 10 Old Wenham Way

Vote: To enter executive session pertaining to 10 Old Wenham Way

Motion: Ms. Oseasohn

Second: Dr. Oettinger

Actual Vote: 4-0

Vote: To leave executive session and re-join regular meeting

Motion: Mr. Gang

Second: Dr. Oettinger

Actual vote: 4-0

VIII. New/Other Business

Commissioner John Judge: Steve Gang and the Commission expressed their appreciation and gratitude to Commissioner John Judge whose tenure has ended. They felt he elevated the conversation regarding longer-term effects on environmental climate. They wished him luck and he will be missed.

40B – 0 School Street: Mr. Gang pointed out that the prohibition on adding users to the municipal sewage treatment system had been lifted. According to the DEP letter, any new hook-ups should be limited. Chuck Dam, DPW Director, responded to the DEP letter regarding lifting the moratorium on additional sewer hook-ups. New sewer connections or extensions are allowed if they follow the CWMP in the Consent Order for a moratorium on new hook-ups. DEP gave the Town credit for the work done reducing I & I and other improvements, in lifting the Consent Order. It is up to the Town how to use the additional capacity. Mr. Gang informed the Commission that the ZBA plans to take up environmental issue in the final public hearing during the first week of July. The Conservation Commission had been asked for guidance regarding specific performance standards to protect the vernal pools. Mr. Gang found that the parameters are well understood but there are no hard and fast quantitative standards.

Water Resources Task Force: Mr. Gang informed the Commission that the DPW has provided water usage data by meter for the last ten years. This includes sewer charges as well as water usage, adjusted for so-called deduct meters which homeowners obtain for using drinking water outdoors for irrigation and other uses and which avoid sewer charges since none of that water goes into the sewer systems and treatment plant. At the last meeting the Task Force focused on the proposed paving of Chebacco Road in Hamilton. The project was currently held up because the local Order of Conditions had not been extended. Mr. Gang continued regarding the proposed plan for luxury townhouses on Chebacco Road, stating Mr. Horsely (hydrologist) had pointed out that anything leaving their septic leaching field will end up in the watershed and Gravelly Pond. The Task Force would like the Hamilton Planning Board to look at the hydrology for the luxury condo proposal.

Remote Meetings: Ms. Bertoni informed the Commissioners that the Town Administrator believed that Governor Baker's order will be extended. She felt it was safe to have a remote meeting on 7/19/22, then adjust accordingly. Ms. Bertoni also reserved room 7 in case a hybrid meeting is required.

Fund Transfer The Commissioners each year vote in a fund transfer of \$5000 from the WPA account to the General Fund to go towards Conservation salaries.

Vote: To transfer \$5000 from the WPA account to the General Fund for Conservation salaries.

Motion: Mr. Gang

Second: Ms. Oseasohn

Actual Vote: 4-0

Public Records Request: The Town Clerk has a process document for public records requests available on the Town website. There was recently a FOIA (Freedom of Information Act) request which Ms. Bertoni addressed on behalf of the Commission had to address regarding 16 Ancient County Way.

Stream Team: The Stream Team has requested comment from the Commission regarding the encouragement of creating and maintenance vegetated buffers along the stream. In particular, Sawmill Brook as it traverses the golf course. Ms. Oseasohn pointed out that the Commission could influence an applicant if they came before the Board. Mr. Gang felt the long-term effort would be education. Sawmill Brook is a unique resource (cold water fishery) due to ground water and filtration of storm water to let it cool. The Stream Team would do the heavy lifting and are looking for partnerships. The Commission agreed to the partnership.

Letter/Tree Permits:

Outside Seaside One: DPW will explore and add fill to a sinkhole. They will make sure it doesn't leach into the resource.

Violations/Enforcement Orders:

White Beach & Black Beach: Ms. Bertoni informed the Commission that there was no status change. The amount of sand remains. She had sent an email to DPW and the Town Administrator on how to prevent this communication gap in the future. There have been no new developments. Looking to find solutions to this ongoing issue.

Chuck Dam, DPW Director informed the Commission that several loads of material were delivered to the compost site. The next steps could be to expedite planting of dune grass per an abutter's request. He would work with Ms. Bertoni and the homeowner. This would require a filing with DEP. The undermined road at the boat ramp area has been addressed. It still needs to be paved. It is back to pre-storm condition.

Ms. Bertoni reiterated the pilling of material at Black Beach was excessive. A plan needs to be in place when there is a lot of sand washed on to the road after a storm. There is also the recurring issue of maintaining the boat ramp.

Hamilton NOI: The NOI for the Hamilton paving project on Chebacco Road will be heard on 6/22/22.

21 Proctor Street: There has been concern that there was unpermitted fill added in a resource area on this property. Laura West, homeowner, in attendance. Ms. Bertoni had met with Mrs. West on site on 6/15/22. Ms. Bertoni brought an auger to take soil samples and there appeared to be a new sandy layer on top of a hydric soil and it was salty in that area. In Ms. Bertoni's opinion fill was added and more than top dressing as the homeowners had previously said. There are grass seedlings coming up where it looked like seeding over this material had occurred. Ms. West had pointed out at the site visit that storm may have caused unevenness to the material placed on the lawn leading down to the low area (erosion of material). Ms. Bertoni did not see evidence of erosion. Ms. Bertoni had taken a soil sample in the upland lawn area and there were no hydric soils in the lawn area. From the wharf area toward the house the soils got brighter but were still hydric. There was a 9' high tide at the time of the site visit. The sandy area was moist (left footprints). In Ms. Bertoni's opinion the area is tidal. The best way forward is to do a delineation. The Commissioners agreed.

Ms. West had sent an email which reiterated that sand was used as top dressing and seeding was part of routine maintenance. She does not feel this is fill. The area is at the bottom of a hill. The area is concave. She felt too much fill was removed 12 years ago when they were in violation. There were piles of sand and rock that were added across the street at the playground area (not in Conservation Commission jurisdiction). She agreed to do a delineation on the property and invited the Commission for a site visit. The Commission put a date of 8/1/2022 to have the delineation completed. Ms. West agreed and would contact Ms. Bertoni if there were any issues.

112 Pine Street: The unpermitted structure in Riverfront had been disassembled and moved. It can not be reassembled until the ZBA allows it. Ms. Bertoni had spoken with the homeowner but had not been on site.

Possible New Commissioner: Mr. Gang pointed out to the rest of the Commissioners that Jeff Bodmer-Turner was in attendance. He may be interested in joining the Board as a Commissioner.

IX. Orders of Conditions: None

X. Approval of Minutes:

5/10/22 – Commissioners reviewed the minutes.

Vote: To accept the minutes as amended.

Motion: Mr. Gang

Second: Ms. Oseasohn

Actual Vote: 4-0

XI. Adjournment:

There being no further business, the meeting was adjourned at 8:12 p.m. The motion was presented by Dr. Hayes and seconded by Dr. Oettinger and approved by acclimation.

Submitted by,

Eva Palmer

XII. Meeting Documents:

- Request for Determination of Applicability – 35 Vine Street submitted by Peter & Rem Baci.
- Request for Extension – 27 Proctor Street submitted by Michael Comb.
- Request for Certificate of Compliance – 50 Summer Street submitted by SC 50 Summer Street LLC.
- Letter Permits – for outside SeaSide One for sink hole.
- Public Record Request process.