Conservation Commission Meeting  
July 14, 2020  
Town Hall, Room 5  ♦  6:30 PM

MINUTES

I. Call to Order

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

Members Absent: Steve Jaworski

Conservation Chairman Mr. Gang opened the meeting at 6:33 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.

Guest Presentation: Gina Beinecke, Chair of the Conservation Committee for the North Shore Garden Club. Ms. Beinecke came before the Commission to discuss the Pollinator initiative that her group has started. The concern is the loss of pollinators due to pesticides, disease and loss of habitat. Her committee’s goal is to boost the pollinator habitat in Essex County as much as possible by 2022. She is inviting towns to partner with her group to plant pollinator tests plots. The first phase is the plantings beginning in October of this year and to continue to the fall of 2022. She asked the Commission to take a quarter to a half acre of town land that is currently mowed grass and, with the help of DPW, plant with a pollinator mix. The North Shore Garden Club would provide the signage and the pollinator mix. In Phase 2 if all parties agree there would be a second test plot in town. Phase 3 would be a larger expansion corridor. The Commissioners liked the idea of a pollinator corridor and would discuss further at the end of the meeting.

II. Requests for Extension of a valid Order of Conditions

1 Smith Road, Gray Baldwin & Santo Politi – Reconstruct an existing accessory building, rehab tennis court, install new septic, and remove invasive plants within 100’, 50’ No Build Zone, & 30’ No Disturb Zone Buffers to Coastal Bank and within Land Subject to Coastal Storm Flowage

New DEP File #39-0713

Lolly Gibson of Laura Gibson Landscape Design presented. An Order of Conditions was issued in 2015. In 2016 the invasives were removed. In 2017 construction began on the tennis pavilion and pool, and more invasives were removed. In 2018 construction was completed, eradication of invasives continued and the septic system was installed. Planting also began in 2018. In May 2019 planting was finished. She would like for the Commission to allow last summer and this summer to act as the required two growing seasons and requested an extension. Ms. Bertoni had not done a site visit but has no issues with the extension request.

Vote: To extend the Order of Conditions for one year.
Motion: Mr. Gang
Second: Mr. Oettinger
Actual Vote: 6-0

III. Requests for De Minimis Change
225 Summer Street, Ted & Emily Snyder – installation of new drainage features including a rain garden, a patio: repairing retaining walls and steps; addition of a bluestone landing and walkway; and invasives removal. There will be new plantings within the 100’ Buffer to BVW

Andrea Nelson Morse of Nelson Landscape Design presented. The De Minimis Change is additional plantings. She would like to add a small area of native rhododendrons at the corner for additional screening and near the garage she would like to include six *viburnum* to add to the plants there and increase water absorption. Also, on the original plan she was going to supplement existing ferns along the stone wall but had the wrong species and variety (they are Cinnamon Ferns). Lastly, there is additional sun in the front yard and the original plan had moss between the steppingstones but wants to change to a sun tolerant ground covering. Ms. Bertoni shared photos in Dropbox. She has visited the site a few times. She feels the plants and substitutions are reasonable.

**Vote:** To grant the De Minimis Change.
Motion: Ms. Hayes
Second: Ms. Oseasohn
Actual Vote: 6-0

IV. Request for Certificates of Compliance

159 Bridge Street & 8 Jersey Lane, Andrew West – drainage improvements in/near intermittent stream bank and Bordering Vegetative Wetland

Per Ms. Bertoni the applicant requested a continuance to the next meeting.

**Vote:** To continue the matter to the 8/4/2020 meeting.
Motion: Mr. Gang
Second: Ms. Oseasohn
Actual Vote: 6-0

3 Eaglehead Road, Barbara Bula – replace a failing septic system within the 30’ No Disturb Zone to Coastal Bank

Mike DeRosa of DeRosa Environmental Consulting, Inc. presented. The project was a replacement of a failed septic system. It was completed in 2011. The new septic was affirmed by John Bennett, engineer. It was done according to plan. The tanks are on one property and the leaching field is on 1 Eaglehead Road. One of the roof leaders goes under the patio and discharges on the other side of the septic tank. Mr. DeRosa will add larger stones to act as a velocity attenuator. Ms. Bertoni and Mr. DeRosa did a site visit. Ms. Bertoni asked if the Board of Health had issued a certification for the system. Mr. DeRosa did not know. Jeff Gilson thought it had. Ms. Bertoni suggested to the Commissioners that they hold off issuing a Certificate of Compliance until the Board of Health signs off.

**Vote:** To continue the matter to the 8/4/2020 meeting.
Motion: Mr. Gang
Second: Ms. Hayes
Actual Vote: 6-0

3 Eaglehead Road, Barbara Bula – construction and installation of a patio and associated landscaping within the 30’ No Disturb Zone to Coastal Bank
Mike DeRosa of DeRosa Environmental Consulting Inc. presented. This project was construction of a patio and landscaping. Mr. DeRosa and Ms. Bertoni did a site walk. Everything appears to be in place. The plantings are doing well. The roof leader from the gutters discharged on the other side of the septic. At the suggestion of the consultant, the outlet area needs more stones. Ms. Bertoni informed the Commissioners that there are photos uploaded to Dropbox. The Final Plan is a different plan than what was approved. The modified septic plan was not the one approved for landscaping. Mr. DeRosa will get John Bennett to do an As-Built Plan of the patio space. This is a technical issue that needs to be resolved. Ms. Bertoni observed the site to be in great condition and was very stable.

**Vote:** To continue the matter to the 8/4/2020 meeting.

**Motion:** Mr. Gang  
**Second:** Mr. Oettinger  
**Actual Vote:** 6-0

11 Tuck’s Point Road, Dana Landry & William Moody – raze and rebuild a single-family home within 100’, 50’ No Build Zone, & 30’ No Disturb Zone Buffers to Coastal Bank  

New  

DEP File #39-0783

Mike DeRosa of DeRosa Environmental Consulting, Inc. presented. Mr. DeRosa requested a partial Certificate of Compliance because the plantings did not get in on time and need the required two-year growing period. The building itself, garage and out-building have been constructed. Mr. DeRosa and Ms. Bertoni did a site visit. The As-Built Plan was done by John Morin of the Morin Cameron Group. Mr. Morin also submitted a letter dated 6/25/2020 that confirmed the work had been done per approved plan. There are a few discrepancies. The rear patio is 5’3” wider on the westerly side and extends 6” further to the south. A rinsing station was added on the west side of the building and steppingstones to the rear patio were put in. The gravel drip edge was expanded by 126’. Regarding the plantings there is a sod grass lawn and along two sides of the structure installed with irrigation. Native plants were going to go along the stone wall side, but instead have been planted within the Coastal Bank. The invasives removal is on-going. Mr. DeRosa will be back next fall for the planting assessment. Ms. Bertoni shared photos in Dropbox. She pointed out that the chain link fence had been removed and per a Special Condition it was not to have been altered. Mr. DeRosa informed the Commissioners that he would be addressing that area in an upcoming Notice of Intent. Mr. Lumsden did not think that a rinsing station and steps are minimal. Ms. Oseasohn was concerned why the rinsing station and steps did not come in as a De Minimis Change but did not think this concern was big enough not to proceed. Other Commissioners agreed with Ms. Oseasohn. Mr. DeRosa feels the gravel drip edge is compensation for the bump out. Ms. Bertoni asked if the pool used an ultraviolet sanitation system, per special conditions, and Mr. DeRosa confirmed that it does.

**Vote:** To issue a partial Certificate of Compliance with existing conditions.  
**Motion:** Mr. Gang  
**Second:** Ms. Hayes  
**Actual Vote:** 4-2

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

VI. **Requests for Determination of Applicability**

2-4 Loading Place Road, Manchester Housing Authority – removal and replacement of a septic system within Riverfront Area Resource  

New  

2020-0005

Taylor Dowdy of BSC Group Inc. presented. The project is the removal and replacement of a septic system no longer Title 5 compliant. This property has two units with five bedrooms each. One unit currently operating under a failed system since this spring and is being pumped out once a week. The plan is to replace in kind. This will be a bed-style septic. The septic is located in the back yard. It is entirely within the 200’ Riverfront.
area. All work will be done underground. Disturbed surface areas area will be restored to pre-project condition. The old septic will be abandoned as per Title 5. New septic will be placed in an area of sandy soils. Ms. Bertoni did not do a site visit but has seen the area from an adjacent property and has no issues with the replacement. Conditions were discussed.

**Vote:** To grant a Negative 2 and Negative 3 Determination of Applicability with conditions.
Motion: Mr. Gang
Second: Mr. Oettinger
Actual Vote: 6-0

**VII. Notices of Intent**

**25 Raymond Street, Mark McDonough – addition of a cobble berm seaward to an existing retaining wall structure within Coastal Beach, Coastal Bank, Land Subject to Coastal Storm Flowage and 30’ No Build Zone Buffer to Coastal Bank**
Continued from 12/17/19, 1/21/20, 2/11/20, to 4/14/20, 5/26/20, 6/16/20
DEP File #39-0816

The applicant requested a continuance to the 8/4/2020 meeting.

**Vote:** To continue the matter to the 8/4/2020 meeting.
Motion: Mr. Gang
Second: Ms. Oseasohn
Actual Vote: 5-1

**4 Sandpiper Lane, BINNABAH, LLC - to raze existing 1-bedroom, single-story home, construct a 1-bedroom, 2 story, house in its place. the first floor of the proposed dwelling will be garage area. Associated site improvements include paved driveway, paved pedestrian area, landscaping, and utility connections within Bordering Land Subject to Flooding and the 100’ buffer to Bordering Vegetated Wetland**
Continued from 4/14/20, 5/5/20, 5/26/20, 6/16/20
DEP File #39-0826

Eric Swanson of Hancock Associates presented. The original plan was to construct a two story, single family home that was approximately 800’. The current plan is a two story, single family home that is approximately 396’. The plan is to replace in kind with no increase in impervious area or building footprint. It will be supported on eight concrete piles with crushed stone underneath, the piles to be enclosed by lattice or similar. This will allow the area to be free and allow flood waters to flow through. The first floor will be about 4’ above grade. The only below grade components of the structure will be the piers. This is now categorized as a redevelopment project per DEP Stormwater Management Procedures. The topography will remain unchanged. According to the applicant’s engineer, no compensatory flood storage will be required. Per the owner, there is no crawlspace below the building currently acting as flood storage. The elevation of the first floor is elevation 14. There have been no approvals yet from other boards. The plan is in front of the Board of Health and has received a variance from the Zoning Board of Appeals. The Commissioners scheduled a site visit for Tuesday 7/21/2020 at 4:30 p.m.

**Vote:** To continue the matter to the 8/4/2020 meeting.
Motion: Mr. Gang
Second: Ms. Oseasohn
Actual Vote: 6-0

**1 & 3 Eaglehead Road, Proud Eagle Realty Trust – removal of an existing gangway and construction of new longer gangway within the 30’ No Disturb Zone, Buffer to Coastal Bank, Coastal Bank, and Land Subject to Coastal Storm Flowage**
New
DEP file #39-0828
Mike DeRosa of DeRosa Environmental Consulting was available to answer any questions. A site walk occurred, and many questions were answered on the walk. He pointed out that all work would be done land side. Ms. Bertoni had no additional comments. Mr. Gang would like see construction reviews along the way due to the pinning to the ledge.

**Vote:** To close the hearing.
**Motion:** Mr. Gang
**Second:** Mr. Oettinger
**Actual Vote:** 6-0

**VIII. Reconvene Regular Meeting**

**IX. New Business**

**“Christian Hill” Lot:** At the annual Town Meeting on April 6, 2020 residents voted to purchase the “Christian Hill” Lot (Alpers property) in Manchester Western Woods. The Conservation Restriction will be held by the Conservation Commission. Town Council (K.P. Law) prepared a document that Ms. Bertoni read into the record which has the Commission accept the care, custody, and control of the “Christian Hill” Lot.

**Vote:** To accept the care, custody and control of the “Christian Hill” Lot.
**Motion:** Mr. Gang
**Second:** Ms. Hayes
**Actual Vote:** 5-0-1

**Stewardship Study:** Mr. Gang informed the Commission that Selectman Eli Boling has started the next phase on the plan of use for the 500 acres in Western Woods. A forest stewardship study is to begin in August.

**Surf Village:** Ms. Bertoni and Mr. DeRosa did a site visit and photos were provided via Dropbox. There is a continuing water runoff problem down the ‘boulder retaining wall’. The runoff from the parking lot finds its way to the retaining wall. This is all part of a continued wash out condition. There are eroded channels along the lawn and mulched areas. Roof leader water goes straight into the ground. All of this is outside jurisdiction, but it affects the Conservation Restriction area. Mr. DeRosa agrees with Ms. Bertoni. There is enough flow that it appears to be pushing gravel over the wall. The new bushes that were put in on that edge are in good health. He felt that something has to be done or it will continue to erode. Ms. Bertoni pointed out to the Commission that there is a detention basin on site with no visible means for storm water to reach it. Paul Stanley, project developer responded to concerns. The roof leaders direct water to a drainpipe that goes to a swale that is meant to saturate through the ground and if water builds up there is an overflow. The large pipe seen on the hill drains other swales near the start of the driveway. All lawn is grown in. The bushes are not new. There is very little of the jute exposed. There was runoff at the start, but the vegetation has grown in and there is minimal runoff now. All water is highly contained. Everything is installed as planned. He does not feel that the gravel moving down the hill has anything to do with a wash out. Ms. Bertoni brought up the stormwater peer review from Linden Associates for the Town and asked for a copy of it for the Commission. Rus Brown, attorney spoke about the external study for the storm water discharge. It was an engineered, peer reviewed plan and approved by the Planning Board. He suggested that the engineers take a look at the issues regarding the discharge over the retaining wall and the erosion. This will be addressed at the next meeting. Mr. Gang would like to wait some time and see how stable the area is.

**MACC Dues:** Ms. Bertoni informed the Commission that Massachusetts Association of Conservation Commissioners (MACC) dues for FY21 are owed. The cost is $645 plus $15 per each e-handbook (6) for a total of $735.

**Vote:** To approve the expenditure of $735 for MACC dues and e-handbooks.
**Motion:** Mr. Gang
**Second:** Ms. Oseasohn
Actual Vote: 6-0

**Letter Permit:** Ms. Bertoni informed the Commissioners that she issued letter permits for the following properties:
- 11 Tanglewood Road – for a hazardous tree removal.
- 100 Ocean Street – for pruning a hazardous tree.
- 16 Highland Avenue – for removal of a dead Pine tree.

**Poison Ivy:** Ms. Hayes informed the Commission that Poison Ivy is rampant around the radio tower at Powder House Hill and starting to spread down the trail. Ms. Bertoni will check and see if the DPW can do anything about it.

**Pollinator Corridor:** The Commissioners discussed Town owned properties that may be good locations for the pollinator test plots. Winthrop Field and Masconomo Park were considered. Mr. Gang asked all Commissioners to come up with potential areas in town that may work and email them to him. Ms. Hayes will bring up the idea with the Parks and Rec Committee.

**X. Orders of Conditions:**

**1-3 Eaglehead Road:** The Commissioners discussed conditions.

**Vote:** To issue an Order of Conditions with conditions.
Motion: Mr. Gang
Second: Ms. Hayes
Actual Vote: 6-0

**XI. Minutes**

5/26/2020 – The Commissioners found no errors.

**Vote:** To accept the 5/26/2020 minutes as written.
Motion: Mr. Gang
Second: Ms. Oseasohn
Actual Vote: 6-0

**XII. Adjournment:**

There being no further business, a motion was made by Mr. Oettinger to adjourn the meeting at 9:14 pm. This motion was seconded by Ms. Hayes and voted in favor 6-0.

Submitted by,

Eva Palmer

**XIII. Meeting Documents:**

- Request for Extension of a valid Order of Conditions – 1 Smith’s Point Road for reconstruct of an existing accessory building, rehab tennis court, install new septic and remove invasive plants submitted by Gray Baldwin & Santo Politi
- Request for De Minimis Change – 225 Summer Street for installation of new drainage features submitted by Ted & Emily Snyder.
- Request for Certificate of Compliance – 11 Tucks Point Road to raze and rebuild a single family home submitted by Dana Landry & William Moody.
- RDA – 2-4 Loading Place Road for removal and replacement of a septic system within Riverfront Area Resource submitted by the Manchester Housing Authority.
- NOI – 1 & 3 Eaglehead Road for removal of an existing gangway and construction of new, longer gangway within the 30’ No Disturb Zone Buffer to Coastal Bank, Coastal Bank, and Land Subject to Coastal Storm Flowage submitted by Proud Eagle Realty Trust.
- Agreement for care and custody of the Christian Hill Lot.
- MACC dues invoice.
- Pollinator test plots document.