Conservation Commission Meeting
September 22, 2020
Virtual Meeting ♦ 6:30 PM

MINUTES

I. Call to Order


Members Absent: Joe Puopolo

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.

II. Requests for De Minimis Change

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 presented. The contractor had started laying out the stairway and lasered where the platform takes off (top ledge) and it ended up landing at the lower part of the ledge when they thought it would land in cobble. Mr. DeRosa proposed a 4’X6’ landing that would be pinned to ledge instead of the original plan of landing in cobble. A letter was submitted by the engineer, Bill Peterlein, which agreed with this change and feels it would be a more stable landing since it will be pinned to ledge. The landing can be colored to match the ledge. Ms. Bertoni informed the Commission that this change will have an additional six linear feet of impact on Coastal Bank. The concrete landing will be in the velocity zone. Mr. DeRosa does not see an adverse impact to this concrete which will act as a boulder.

Vote: To issue a De Minimis Change with conditions.
Motion: Mr. Gang
Second: Ms. Oseasohn
Actual Vote: 5-0

III. Request for Certificates of Compliance

20 Forster Road, Paul Steriti – septic system upgrade within the 100’ Buffer to Bordering Vegetative Wetland

New

DEP File #39-0461 & #39-0461M

Paul Steriti, homeowner, presented. The septic system upgrade was completed in 2006. Ms. Bertoni did a site visit. There is an As-Built Plan, approved by the Board of Health, in the homeowner’s file that was provided to the Commission. The site is stable and built per design. Ms. Bertoni had no issues with this project.

Vote: To issue a Certificate of Completion under the state and local by-law with one perpetual condition.
Motion: Mr. Gang  
Second: Mr. Lumsden  
Actual Vote: 5-0

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

V. **Requests for Determination of Applicability**

**MBTA Right-0f-Way operated by Keolis Commuter Services, Clary Coutu, Director ENV, Keolis Commuter Service – vegetation management within the 100’, 50’ No Build Zone, and 30’ No Disturb Zone Buffers to Coastal Bank, Salt Marsh and Bordering Vegetative Wetland**  
Continued from 8/25/2020  
2020-0007

Clary Coutu, Director of Environmental Compliance for Keolis in attendance. Matt Donovan of FDC Engineers presented. The project is a vegetation management project. This project is to keep the railroad and public safe as well as approve the delineation. This is a five-year vegetation management plan (VMP). The Commission will be supplied the operational plan yearly and can comment. The plan provides for selective use of chemical, physical and mechanical means to combat vegetation. Chemical use will be minimized. Maps provided are mainly for the chemical portion of the vegetation management. A spray truck will perform the application as needed. It will be accompanied by an environmental monitor who has maps of the sensitive areas. The chemicals used are on the Department of Agricultural Resources (DAR) approved sensitive materials list. The railroad must be clear of all vegetation.

Ms. Bertoni informed the Commissioners that per MACC guidance, a positive 2A determination confirming boundary delineations is fine, or a positive 2B determination would reject the wetland boundaries shown in the VMP. If the Commission is ok with the delineation as presented, she recommended a vote of positive 2A combined with a Negative 3 Determination, no NOI is required, with conditions.

**Vote:** To issue a Positive 2A and a Negative 3 Determination of Applicability with conditions.  
Motion: Mr. Gang  
Second: Mr. Oettinger  
Actual Vote: 4-0 1 abstained

**63 Raymond Street, Wayne Maggio – installation of a permeable paver driveway within Land Subject to Coastal Storm Flowage and the 100’ Buffer to Coastal Bank**  
Continued from 8/25/20  
2020-0010

Michael Carvalho and Christopher Miller, consultants for the applicant, presented. A site visit occurred on 8/28/2020. Pavers will be set into gravel and below that is native material. The Commissioners had voiced concern regarding maintenance. Maintenance of the pavers to keep the driveway permeable had been discussed with the homeowner.

**Vote:** To issue a Negative 2 and Negative 3 Determination of Applicability with conditions.  
Motion: Ms. Oseasohn  
Second: Ms. Hayes  
Actual Vote: 5-0

**40 Lincoln Street (map 40, lot 28), Town of Manchester – Municipal well cleaning, pump evaluation & redevelopment within Riverfront Area**  
New  
2020-0011

DPW Director Chuck Dam presented. The well pump gave out and the pump motor needed to be replaced. An Emergency Certificate was issued by Ms. Bertoni for emergency repair work in August. The well was offline for two weeks, parts were installed, and the well was cleaned. Erosion controls were installed. The project took
three days to complete. Ms. Bertoni was on site for the Emergency Certification and gave pre-construction conditions. This RDA is the follow-up requirement of the Emergency Certification.

**Vote:** To issue a Negative 2 and Negative 3 Determination of Applicability with conditions.
Motion: Mr. Gang
Second: Ms. Hayes
Actual Vote: 5-0

**VI. 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, 8/4/20, 8/25/20  DEP File #39-0816

The applicant requested a continuance to the next meeting.

**Vote:** To continue the matter to the 10/13/2020 meeting.
Motion: Mr. Gang
Second: Ms. Oseasohn
Actual Vote: 4-1

**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, 7/14/20, 8/4/20, 8/25/20  DEP File #39-0826

Mr. Gang noted that materials relating to this hearing had arrived “very recently” (some that day) and doesn’t feel that the Commissioners had enough time to review the information. The Commissioners agreed. Rus Brown, attorney for the applicant, and Erik Swanson of Hancock Associates were in attendance. Mr. Brown wanted to emphasize that he had requested Ms. Bertoni reach out to DEP regarding a determination on critical issues. He requested that the new material be reviewed in the context of the DEP determination.

**Vote:** To continue the matter to the 10/13/2020 meeting.
Motion: Mr. Oettinger
Second: Mr. Gang
Actual Vote: 5-0

**0 Harbor Street (Black Cove Beach), Chuck Dam, Town of Manchester DPW Director – repair the seawall at Black Cove Beach within Land Subject to Coastal Storm Flowage, Coastal Bank, Coastal Beach; 100’, 50’ No Build Zone, and 30’ No Disturb Zone Buffers**
New  DEP File #39-0XXX

Chuck Dam, DPW Director and Mike DeRosa of DeRosa Environmental Consulting presented. A DEP File number had not been issued at the time of the meeting. The wall was damaged in the March 2018 storms. They had hoped to get FEMA funding for a total wall replacement, but FEMA would not fund the whole wall instead with some FEMA funding and Town funding they will be able to repair the wall where it failed. No other improvements. Engineering was done for the full wall, but it would be cost prohibitive. The work may be done this fall or it may have to wait until the spring. There will be no change in footprint. This is a replace in kind project therefore alternatives were not discussed since it’s a repair project and filed as a Limited Project. All construction would be done from land side. The Commissioners wanted a site visit and one was scheduled for Monday 9/28/2020 at 4:00 p.m.
Vote: To continue the matter to the 10/13/2020 meeting.
Motion: Mr. Gang
Second: Mr. Oettinger
Actual Vote: 5-0

VII. Re convene Regular Meeting

VIII. New Business

Surf Village: There will be a storm water management peer review by the Planning Board to look into where the storm water is coming from. It appears the roof runoff is not connected to drainage swale. Ms. Bertoni gave this information to the Planning Board. The Conservation Restriction (CR) language is close to being done.

Guidelines to Pervious Paver Installation: Mr. Oettinger would like specifications required for pavers. This information could be used for applicants installing pervious pavers. The Commission could also think about requiring a test for draining. The Commissioners like the idea of focusing on the performance standards and building them into perpetual conditions. Ms. Bertoni doesn’t feel it’s an unreasonable type of guidance to put together. She will work on the next iteration of these guidelines.

Planning Board: The Planning Board has requested a member of the Conservation Commission be part of a group to discuss the limited commercial district.

Sawmill Brook: Joe Sabella and Jack Burke have requested the Conservation Commission initiate a cleanup of Sawmill Brook due to the amount of debris in the Brook. Mr. Gang informed the Commissioners that this is not the Conservation Commission’s purview. Mr. Lumsden (also a member of the Stream Team) will take this idea to that group.

Boy Scouts: Mr. Gang informed the Commission that the Boy Scouts are looking for a community service project. They have expressed interest in painting the benches at the tip of Masconomo Park and cleaning the Doughboy statue. They were advised to contact Cheryl Marshall, Director of Parks & Recreation, regarding maintenance on the benches & statue.

Fiber Optic System: Ms. Bertoni informed the Commissioners that there are PDFs and paper copies available of the Fiber Optic System that will come through our waters.

Zoom: Ms. Bertoni informed the Commissioners that the next meeting will be on the Zoom platform. She suggested a brief test Zoom meeting the week of October 5th so that all Commissioners (and she) know what to expect.

IX. Minutes

7/14/2020 – The Commissioners discussed corrections.

Vote: To accept the 7/14/2020 minutes as corrected.
Motion: Mr. Gang
Second: Ms. Hayes
Actual Vote: 5-0

X. Adjournment:

There being no further business, the meeting was adjourned at 8:30 p.m. Mr. Oettinger made the motion and it was seconded by Ms. Hayes. The Commissioners voted unanimously.
Submitted by,
Eva Palmer

XI. **Meeting Documents:**

- Request for Certificate of Compliance – 20 Forster Road for septic system upgrade submitted by Paul Steriti.
- Request for De Minimis Change – 1 & 3 Eaglehead Road for removal of existing gangway and construction of new, longer gangway submitted by Proud Eagle Realty Trust.
- RDA – 40 Lincoln Street for Municipal well cleaning, pump evaluation & redevelopment submitted by the Town of Manchester.
- RDA – 63 Raymond Street for installation of a permeable paver driveway submitted by Wayne Maggio.
- NOI – 25 Raymond Street for addition of a cobble berm submitted by Mark McDonough.
- NOI – 4 Sandpiper Lane for razing and reconstructing a 1-bedroom house submitted by BINNABAH, LLC.
- NOI – 0 Harbor Street (Black Cove Beach) for repair of the seawall submitted by Town of Manchester.
- Information on Amitié Fiber Optic Submarine Cable SIER.