I. Call to Order


Members Absent: Sari Oseasohn

Conservation Chairman 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. An announcement was made that the hearing for 10 Old Wenham Way will be continued to the next meeting without discussion this evening.

II. Requests for Certificates of Compliance

117 Beach Street, Singing Beach Club – addition within the 100’ Buffer to Coastal Bank

Continued from 9/3/19

DEP File #39-0790

Kristin Farr of Hancock Associates presented. This project was an addition that was partly in the resource. All work was completed. The As-Built Plan was submitted. A site visit with Ms. Bertoni occurred a few weeks ago and everything was satisfactory. There are two perpetual conditions associated with this filing.

Vote: To issue a Certificate of Compliance with two perpetual conditions.
Motion: Mr. Oettinger
Second: Ms. Hayes
Actual Vote: 5-0-1 recused

377 Summer Street, John McCarthy – construction of a single family dwelling and grading for new leaching field in 100’ Buffer to BVW, Salt Marsh, & LSCSF

New

DEP File #39-0730

Homeowner John McCarthy presented. In April 2016 an Order of Conditions was issued for this parcel of land that was owned by Paul Mehlman before selling to the McCarthys. In March 2018 an Amended Order of Conditions was issued for construction of house and septic. In June 2019 the contractor uncovered ledge and the septic needed to be redesigned. By this time the original Order of Conditions expired. Work has been completed on the main part of the house. There is a Notice of Intent (NOI) that will be discussed later in this meeting that is for the new redesign of the septic. The house is completed. The house is 50% smaller than the original design and the septic grading is 40% smaller than the original design. Ms. Bertoni has not done a final site inspection. She is concerned with having two open Orders of Conditions if the upcoming NOI is approved. She is also waiting on final hardcopies of documentation.

Vote: To continue the matter to the next meeting on 10/15/19.
Motion: Mr. Gang
Second: Mr. Oettinger
III. Requests for Extensions

4 Old Neck Road, Mark Cicoria – construction of new house and sunroom addition

Homeowner Mark Cicoria presented. The construction is almost finished. The landscaping still needs to be done. Everything is stable regarding storm flow. The applicant is asking for an extension to complete everything. Mr. Gang reminds him that this is a third and final extension.

**Vote:** To issue a 1 year extension.
**Motion:** Mr. Gang
**Second:** Ms. Hayes
**Actual Vote:** 6-0

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

V. Requests for Determination of Applicability

6 Putnam Court, Fletcher Boyle – repairs or replacement to an existing retaining wall on Inland Bank and within Riverfront

Continued from 9/3/19

There was no representative for this property at the meeting. The Commissioners discussed that applicant was going to file a Notice of Intent due to the extensive work being next to the Brook.

**Vote:** To issue a positive determination.
**Motion:** Mr. Jaworski
**Second:** Mr. Oettinger
**Actual Vote:** 6-0

16 Ancient County Way, Brian & Lauren Grace – repair/replace an existing deck within the inner 100’ of Riverfront Area

The applicant had not arrived at time hearing opened therefore the Commissioners continued it to the next meeting.

**Vote:** To continue the matter to the next meeting on 10/15/19.
**Motion:** Mr. Jaworski
**Second:** Mr. Gang
**Actual Vote:** 6-0

The applicants arrived later in the meeting so the Commissioners re-opened the hearing.

**Vote:** To re-open the hearing.
**Motion:** Mr. Gang
**Second:** Mr. Jaworski
**Actual Vote:** 6-0

Homeowners Lauren and Brian Grace presented. The deck is falling apart and they would like to repair and square it off. It will be a rectangle shaped deck. They will use railings instead of benches. The stairs will come forward. One sonotube will be used for the squared off corner and maybe 1 footing for the stairs. There was no
plan submitted because the homeowner had uploaded it to the Building Department and was told that the Conservation Commission would get it. They will drop off two hard copies of the architectural drawing. Framing Plans will be completed after approval of project. No landscaping will be done at this time. Condition to remove spoils offsite discussed.

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

Pine Street Right of Way near Town of Hamilton line, Chebacco Road Solar, LLC – installation of 2 power poles within Street Right-of Way within Bordering Vegetated Wetland and associated buffers 2019-0019

The applicant did not come to the meeting and the Commissioners wanted someone to present the project so the matter was continued.

**Vote:** To continue the matter to the next meeting on 10/15/19.
**Motion:** Mr. Jaworski
**Second:** Mr. Gang
**Actual Vote:** 6-0

35 Vine Street, Peter & Remedios Baciu – expansion of entryway deck within Riverfront area near the inner 100’ 2019-0018

Nick Richon of Payne Boucher Inc. presented. The proposed project is an entryway deck. There is an existing deck and he would like to add 200 sq. feet to it. The additional 200’ of deck is not enclosed but it will have a roof. The plan is to move the planting beds out in the grassy area to mitigate roof runoff. The footings will be sonotubes or pre-cast piers. There will be a gravel bed under the deck. There will be an apron deck edge and expanded planting area for the roof runoff.

**Vote:** To issue a Negative 2 Determination of Applicability.
**Motion:** Mr. Jaworski
**Second:** Ms. Hayes
**Actual Vote:** 6-0

### Notices of Intent

10 Old Wenham Way, Michael Corsetti – improvements to an existing private roadway (paving & widening alignment from 16’ to 22’, and improving drainage systems) within Bordering Vegetated Wetland; in the 30’ NDZ, 50’ NBZ, and 100’ Buffers to Bordering Vegetated Wetland

The applicant had requested a continuance to the 10/15/19 meeting prior to tonight’s meeting.

**Vote:** To continue the matter to the next meeting on 10/15/19.
**Motion:** Mr. Gang
**Second:** Mr. Oettinger
**Actual Vote:** 6-0

377 Summer Street, John McCarthy – complete the remaining, previously approved activities for construction of a single family home and septic system within the 100’ Buffer to Bordering Vegetative Wetland (Salt Marsh)
Homeowner John McCarthy presented. The septic system needed to be redesigned due to hitting ledge. The entire system has been approved by the Board of Health. It is now further away from the resource and smaller. Some digging in the resource will be required. Conditions from initial Order of Conditions (expired) discussed.

**Vote:** To close the hearing.

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

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**VII. Reopen Regular Meeting**

**VIII. Old/New Business**

**Fall Town Meeting Warrant:** There is still no word on if there will be a meeting this fall or not. It’s probable for early November. Ms. Reilly informed the Commissioners that the parcels the Commission is looking at to place a Conservation Restriction (CR) on were discussed at the Open Space Meetings. She highlighted a parcel (Map 62, Lot 24) that would be a good option for a CR. It is part of the Cape Ann Trails report. It is low access, hard to get to, there are wetlands and ledge, and it is in the watershed for Gravelly and Round Ponds. There is a parcel in the Western Woods that is for sale that Open Space Committee has been looking at. She hopes to use part of the Open Space Reserve Fund to purchase it. She points out that there are many more parcels out there to consider and the Western Woods is very limited for use. She encourages the Commission to write a letter in support of acquiring this parcel that the Open Space has identified and placing it in a CR. The Commissioners are in support of this letter.

**Marine Facility:** Mr. Oettinger was informed that they did not need anyone from the Conservation Commission on the steering committee so he was not contacted. The committee is currently looking at Reed Park as an option for this facility.

**MACC Fall Conference:** The MACC Fall Conference is October 19th this year and all Commissioners are encouraged to attend.

**Emergency Certification:** Ms. Reilly issued an Emergency Certification for a sinkhole that developed at 50-52 Brook Street. It is in the driveway and is getting bigger. The storm sewer collapsed and apparently it is a model that has a known issue. There may be another one in the complex and the applicant is looking into that. A Request for Determination will be filed for the next meeting. Ms. Reilly read aloud the conditions associated with this.

**Vote:** To ratify the Emergency Certification.

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

**CPC Funds:** Requests for CPC Funds must be submitted by December 1st. Ms. Reilly points out a need for funds to update the Open Space and Recreation Plan due 2021 which needs to start one year in advance. Mr. Gang suggests Weem’s Conservation Area by Sweeney Park to Eaglehead for trail building and signage. Ms. Reilly believes that it may be under the authority of the School Committee. Funds that could be used towards climate effect illustration was also discussed.

**Embankment:** Mr. Gang informs the Commissioners that approximately 3 feet of the embankment at the west of the drawbridge has fallen in the ocean. He feels the big rocks may be the next thing to collapse. He thinks the MBTA may need to be notified. This occurred on Steve Brox’s property.
IX. **Orders of Conditions**

377 Summer Street: The Commissioners didn’t see a need to add anything more than what was required in the original Order of Conditions (now expired).

**Vote:** To issue an Order of Conditions with the same conditions as in the previous Order of Conditions.  
**Motion:** Mr. Gang  
**Second:** Mr. Jaworski  
**Actual Vote:** 6-0

X. **Minutes**

No minutes available at this time.

XI. **Adjournment:**

There being no further business, a motion was made by Mr. Oetjinger to adjourn the meeting at 7:50 pm. This motion was seconded by Mr. Jaworski and voted in favor 6-0.

Submitted by,

Eva Palmer

XII. **Meeting Documents (9/24):**

- Extension Request - 4 Old Neck Road submitted by Mark Cicoria.
- Partial CoC – 377 Summer Street for construction of a single family dwelling and grading for new leaching field in 100’ Buffer to BVW, Salt Marsh & LSCSF submitted by John McCarthy.
- CoC – 117 Beach Street for addition within the 100’ Buffer submitted by Singing Beach Club.
- RDA – 6 Putnam Court for repairs or replacement of retaining wall submitted by Fletcher Boyle.
- RDA – 16 Ancient County Way for repair/replacement existing deck submitted by Lauren & Brian Grace.
- RDA – Pine Street Right of Way near Town of Hamilton Line for installation of tow power poles submitted by Chebacco Road Solar, LLC.
- RDA – 35 Vine Street for expansion of entryway deck submitted by Peter & Remedios Baciu.
- NOI – 377 Summer Street to complete the remaining, previously approved activities, for the construction of a single family home and septic system submitted by John McCarthy.