



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

January 8, 2019

Town Hall, Room 5 ♦ 6:30 PM

MINUTES

I. Call to Order

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

Members Absent: Joe Puopolo

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.

II. Guest Presentation – Lori MacCausland, Eelgrass Habitat in Manchester

Manchester resident, Lori MacCausland, presented. Ms. MacCausland's concern is the loss of Eelgrass in Manchester's outer harbor due to anchoring, propellers and dredging. Eelgrass provides many benefits to the ocean including fisheries habitat, absorbs and sequesters carbon, and seacoast protection. She pointed out other areas in Massachusetts that have areas that are protected using helical moorings where scallop and oyster habitats are. She proposes a new regulation under the Manchester Wetlands by-law that would prohibit anchoring in the Eelgrass area in the outer harbor.

III. Requests for Extensions

12 Sea Street, Donna Harvey Revocable Trust – single family dwelling, deck, limited project driveway wetland alteration & replication, grading and utilities installation

New

DEP File #39-0723

The homeowner was away so Ms. Bertoni presented. She did a site visit and the paving of the driveway was not in place. It will not happen this winter. The homeowner has worked on removing the unpermitted fill and mulch. The homeowner is requesting an extension so that he can finish the project.

Vote: To extend the Order of Conditions for 1 year.

Motion: Mr. Gang

Second: Ms. Oseasohn

Actual Vote: 6-0

IV. Requests for De Minimis Change

9 Tuck's Point Road, Jeff Kaneb – landing construction

New

DEP File #39-0732

Curt Young of Wetlands Preservation Inc., and Kevin Pelletier, contractor, presented. He proposes a change in procedure for the landing construction. The concrete supplier, North Shore Marine, proposed a better way to construct the approved landing which will be more efficient and minimize impact. The three changes are: to the

concrete placement method, waste water management (30 gallons will go to a wood box lined with plastic), & anchoring for framing will be in ledge (drill into ledge to hold framing approximately 15-20 drill holes, 2" deep, which will be removed when the framing is removed and filled with epoxy). The changes are detailed in the request letter w/ attachment from Curt Young dated 1/3/19. The work will be above the tide level and in a protected area. Ms. Bertoni will plan on another site visit. She informed the Commissioners that the peer reviewer has one more site visit before drilling begins.

Vote: To issue a De Minimis Change.

Motion: Ms. Oseasohn

Second: Ms. Hayes

Actual Vote: 4-1-1 (one opposed and one abstained)

117 Beach Street, Singing Beach Club – deck construction

New

DEP File #39-0790

John Olson, architect, presented. The plan in the Order of Conditions showed a pair of parallel (service and pedestrian) ramps. Now the applicant has decided that one ramp will suffice and proposes to shrink some of the deck. The changes proposed are: shrink the deck area by 130 sq. feet resulting in a decrease to 14 footings (from 25-30 footings), and keep the shower which originally was to be removed. Mr. Jaworski would like a better plan to see what exactly is being changed. The other Commissioners agree.

Vote: To approve the De Minimis Change with submittal of clearer plan.

Motion: Mr. Jaworski

Second: Ms. Hayes

Actual Vote: 5-0-1 (1 abstained)

V. Requests for Certificates of Compliance

19 Harold Street, Scott Doneghy – house addition & mitigation planting

New

DEP File #39-0738

Mike DeRosa of DeRosa Environmental presented. The homeowners were in attendance. The project was a 3-season room extended off the back of the house and an extensive restoration plan in back. John Morin did an overlay of the as-built plan and the proposed plan. There was a change in the wooden stairs. Instead of the stairs being circular they came out square. These stairs are in the No Build Zone by 1 ½ sq. feet. The offset is that part of the deck that was approved was not built which equals about 17 sq. feet in the No Build Zone plus the extensive restoration. Ms. Bertoni did a site visit. The site is very stable. The Red Maples are healthy. Monitoring reports will be forthcoming. A well cap was found for an abandoned well. It is concrete, in back. Per Ms. Bertoni it looked benign and she didn't feel it should be disturbed. The infiltration trench is doing its job. The monument stones are very heavy and difficult to move. They have been placed at the edge of where the lawn is mowed.

Vote: To issue a Certificate of Compliance with 4 perpetual conditions.

Motion: Mr. Gang

Second: Mr. Jaworski

Actual Vote: 6-0

VI. Recess for Public Hearings under Wetlands Protection Act and Local Wetlands By-Law (Mr. Gang)

VII. Request for Determination of Applicability

19 Smith's Point Road, Walter VanBuskirk, Trustee, Cliff's Realty Trust – septic system replacement

Continued without discussion from 12/4/18

2018-0019

Dan Ottenheimer of Mill River Consulting, presented. Currently this property is a 4 acre parcel with 3 dwellings served by various septic systems. The back part of the property has suitable soil (for construction and leech field). Plumbing from housing and tanks will be in buffer. The vast majority of the treatment system is a 2 pumping system, pump lining and treatment system. There will be a straw wattle to contain any material. The work is proposed outside the 50' No Build Zone buffer. The Order of Conditions is from 2015 and has expired. The work has been re-engineered. New tanks will be replacing existing tanks. Old tanks will be removed. There will be 2 trenches. The Coastal Bank was delineated by DeRosa Environmental for a previous Order of Conditions. The project has been approved by the Board of Health. Ms. Bertoni would like a site visit before construction occurs.

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

Motion: Mr. Gang

Second: Mr. Jaworski

Actual Vote: 6-0

10 Plum Hill, Jonathans Pond LLC – construction of a single family dwelling, installation of a septic system and domestic well

New

2018-0020

Due to applicant being out of town Ms. Bertoni presented. The Conservation Commission was flagged because the homeowner applied for a permit for a single family house, septic and well. Ms. Bertoni did a site visit. On the plans the house stayed out of the 200' buffer to a vernal pool. Due to the topography of the site, Ms. Bertoni does not see much risk of this project encroaching into the buffer. The 100' buffer of proposed domestic well is slightly within the buffer to the vernal pool. She felt there was an issue regarding a clear limit of work for construction and erosion control devices. She saw on site a pile of wood chips which may not provide adequate erosion control. Ms. Bertoni would like to see the trees shading the hillside along the limit of work to remain in place, a clear marking of trees to be saved, and fencing for erosion. The Commissioners would like a site visit and it was scheduled for Monday, 1/14/19 at 8:00 a.m.

Vote: To continue the matter to the next meeting on 1/29/19.

Motion: Ms. Oseasohn

Second: Mr. Gang

Actual Vote: 6-0

VIII. Notices of Intent

118 Bridge Street, David Reissfelder – after-the-fact utility installation

Continued from 12/4/18

DEP File #39-0793

Per Ms. Bertoni the applicant requested a continuance without discussion to the next meeting.

Vote: To continue the matter to the next meeting on 1/29/19

Motion: Mr. Gang

Second: Ms. Hayes

Actual Vote: 6-0

18B Boardman Avenue, Becky & Mark Levin – reconstruction of existing terrace surface, steps, wall, and guardrail

Continued from 12/4/18

DEP File #39-0792

Andrew Keel from Hatch Engineering presented, noting the Commission had a site visit on 12/15/18. The project is a terrace reconstruction and resurfacing. All work is within the limit of the Coastal Bank. There is an upper and lower terrace. The existing railing will be replaced in kind. The material will be removed offsite. Ms.

Bertoni feels this is a fairly straight forward project. The work is in the existing footprint. She noted a small area of surface erosion on coastal bank adjacent to one of the patios and to make owners aware of it. The abutter requests protection of leach field near the road from construction traffic. The disturbed area (existing lawn) will be seeded with appropriate mix.

Vote: To close the hearing.

Motion: Mr. Gang

Second: Mr. Jaworski

Actual Vote: 6-0

102 Ocean Street, Stephen Kasnet – ecological restoration project.

New

DEP File #39-0796

Mike DeRosa of DeRosa Environmental presented. There are 4 parcels of land for this project: 102 Ocean Street, 106 Ocean Street, 0 Summer Street (map 7, lot 18) and 0 Summer Street (map 7, lot 19). Each parcel is a separate NOI filing, but all four parcels were discussed at one time due to the similarity of methods proposed. The salt marsh and fresh water edge has been flagged. This project involves invasive species removal done by the whole plant removal method and replanted with native species. He will be cleaning up dead wood along the canopy view corridor. The removal of the invasive species will occur in winter using a mini excavator and weed wrenches to get the whole root. No chemicals will be used. The area will be stabilized the same day. Then planting will occur. There will be a monitoring time of 3-5 years. There will be pruning of dead/dying limbs along Ocean Street. Mr. DeRosa will accompany Ms. Bertoni and point out trees that will be pruned. Ben Staples will be doing the tree work. He will be taking out the dead wood and selectively pruning. The Phragmites will be burned in small piles; other invasives will be taken off site. Invasives include Norway Maples – proposed replacements are Red Maple. A new Operations and Management report will be sent to Ms. Bertoni. The plan is to start removal in February and begin planting in the spring. There will be hand watering of plants if needed for the first couple months of planting. Jacqueline Mooney, 94 Ocean Street, abutter present, asked about the end result of the removal/restoration. An email from abutter at 395 Summer Street, Jeffrey Pope, in support of the project was read into the record.

Vote: To close the hearing for 106 Ocean Street DEP File #39-0795

Motion: Mr. Gang

Second: Mr. Jaworski

Actual Vote: 6-0

Vote: To close the hearing for 0 Summer Street (map 7, lot 18) DEP File #39-0798

Motion: Mr. Gang

Second: Mr. Jaworski

Actual Vote: 6-0

Vote: To close the hearing for 102 Ocean Street DEP File #39-0796

Motion: Mr. Gang

Second: Ms. Hayes

Actual Vote: 6-0

Vote: To close the hearing for 0 Summer Street (map 7, lot 19) DEP File #39-0797

Motion: Mr. Gang

Second: Ms. Hayes

Actual Vote: 6-0

15 Old Neck Road, Teddie Kettenbach – ecological restoration project and foot bridge installation

New

DEP File #39-0794

Mike DeRosa of DeRosa Environmental presented. This is a big project, however only a small part of it is in the Conservation Commission's jurisdiction (100' Buffer to Coastal Bank). The project proposes to convert an existing lawn to a wildflower meadow with trails mowed through the meadow. The restored meadow will be a habitat for pollinators. The Norway Maples will be removed and replaced with Red Oak. Some invasives will be removed (Black Locust). Ben Staples will do the tree work. There is a pallet boardwalk there now it will be re-done with free flow decking with plants under it. The boardwalk will be on helicals-style pilings to minimize impact. The Board of MECT, which holds a Conservation Restriction on the property, voted unanimous support for the project.

Vote: To close the hearing.

Motion: Mr. Jaworski

Second: Mr. Gang

Actual Vote: 6-0

IX.Reconvene Regular Meeting (Mr. Gang)

X. Old/New Business

Letter Permit: Ms. Bertoni informs the Commissioners that a letter permit was issued to Jaqueline Moonie at 94 Ocean Street to replace a failing fence that helps protect septic system (maintenance).

Board Training: Ms. Bertoni reminded all Commissioners to sign up for the upcoming Board training.

375th Town Celebration – Ms. Bertoni asked the Commissioners if they had any ideas for the Town's 375th celebration. Ms. Hayes suggested a good will walking tour from town to town. This was done at the 350th celebration.

Beavers – Mr. Gang had done some reading on beavers and their contribution to habitat. He would like the Commission to do something to improve wetland resources. Mr. Jaworski suggests putting on the agenda to discuss land management. Ms. Bertoni suggests a working meeting to discuss different issues.

XI. Order of Conditions

18B Boardman Avenue – Conditions discussed.

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

Motion: Mr. Gang

Second: Ms. Hayes

Actual Vote: 6-0

102 & 106 Ocean Street, 0 Summer Street Lots 18 & 19 – One project, 4 properties, conditions discussed.

Vote: To issue an Order of Conditions for 102 Ocean Street with conditions.

Motion: Mr. Gang

Second: Ms. Hayes

Actual Vote: 6-0

Vote: To issue an Order of Conditions for 106 Ocean Street with conditions.

Motion: Mr. Gang

Second: Ms. Hayes

Actual Vote: 6-0

Vote: To issue an Order of Conditions for 0 Summer Street Lot 18 with conditions.

Motion: Mr. Gang

Second: Ms. Hayes
Actual Vote: 6-0

Vote: To issue an Order of Conditions for 0 Summer Street Lot 19 with conditions.

Motion: Mr. Gang
Second: Ms. Hayes
Actual Vote: 6-0

15 Old Neck Road – Conditions discussed

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

Motion: Mr. Gang
Second: Ms. Hayes
Actual Vote: 6-0

XII. Minutes – none

XIII. Adjournment:

There being no further business, a motion was made by Mr. Gang to adjourn the meeting at 8:55 pm. This motion was seconded by Ms. Oseasohn and voted in favor 6-0.

Submitted by,

Eva Palmer

XIV. Meeting Documents:

- Excerpts from “Eelgrass loss over time in Duxbury, Kingston, and Plymouth Bays, Massachusetts Final Report” from Massachusetts Division of Marine Fisheries.
- Packet re: impacts on eelgrass provided by Lori MacCausland.
- Letter from DEP regarding snow disposal guidelines.
- 9 Tuck’s Point Road - De Minimis Change Request (letter dated 1/3/19)
- 9 Tuck’s Point Road - Peer Review
- 12 Sea Street - Request for Extension for DEP File #39-0732.
- 15 Old Neck Road – Notice of Intent for Ecological Restoration DEP File # 39-0794
- 18B Boardman Avenue – Notice of Intent for terrace reconstruction DEP File #39-0792
- 19 Harold Street – Request for Certificate of Compliance DEP File #39-0738
- 19 Smith’s Point Road – Request for Determination of Applicability for septic upgrade 2018-0019
- 117 Beach Street – De Minimis Change Request
- 102 & 106 Ocean Street, 0 Summer Street (lot 7, map18) & 0 Summer Street (lot 7, map19) – Notice of Intent for Ecological Restoration. DEP File #39-0796, #39-0795, #39-0798, #39-0797 respectively.
- Email re: support for ecological restoration at 102 & 106 Ocean Street & 0 Summer Street (map 7, lot 18) & 0 Summer Street (lot 7, map19) from Jeff Pope who resides at 395 Summer Street.