



# 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 29, 2019

Town Hall, Room 5 ♦ 6:30 PM

## MINUTES

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### I. Call to Order

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

**Members Absent:** None

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 for purposes of preparing minutes.

### II. Guest Presentation – William Kenney & Josef Vyropil – MERSD S.C.O.R.E Project – Lobster Cove Phragmites Removal Project

Mr. Kenny presented. Mr. Vyropil in attendance. The project is to remove invasive species such as Phragmites and Japanese Knotweed in Lobster Cove. The reason for removal is that invasive species destroy natural vegetation and sea life, spread rapidly and has no known predator. For removal they will use an agricultural axe ('grub hoe') and a natural pesticide, Nature's Avenger. Once the plants have been pulled up they will either be burned on site or away from the site or taken to the transfer station. Tyler Ferrick of DeRosa Environmental has been giving them guidance on the process and recommended the natural pesticide. They will need to return in a year to eradicate the species, and possibly again, and may try to include removal of the invasive Japanese Knotweed. They plan to set up a foundation at school that will continue the removal and maintenance of Phragmites in the future. The plan is to do the removal this year and pass it on to students at school who will continue next year. The permitting will be coming, this presentation will also be given to the Board of Selectmen, and letters have gone out to abutters. The Commissioners think this is a great idea and look forward to the permitting.

### III. Guest Presentation – Debi McDonald, JCJ Architecture – MERSD Elementary School Project

Debi McDonald project manager of JCJ Architecture presented. Steve Garvin, engineer, Ken Hodson, Steve Brown, project engineer, John Rich, construction, & Remko Breuker, school committee member in attendance. The project is replacing the existing elementary school with a new school. This will be done in phases as they take down parts of the old building while constructing the new building. They plan to start construction in June 2019. They will be infringing on the Riverfront resource area. The tennis courts on Brook Street will be used as a staging area for materials and vehicles, and the walkway will be used as an access road. Due to the narrow space they may need access through the buffer zone. They are interested in widening it a bit to accommodate larger vehicles (temporary infringement). The utilities are permanent and will need to be brought in through resource buffers. Ms. Bertoni mentions the calculations of redevelopment of Riverfront Area (RA) and Alternative Analysis for work in RA are required and the Commission needs these for review. Waiver requests are required under the local by-laws for work in the 30' and 50' buffer zones, including an alternatives analysis. Ms. Oseasohn would like to see the limit of work for construction in resource areas. Mr. Gang brought up having access to the wetlands for educational use. Mr. Jaworski would like to consider a peer review

consultant. Mr. Lumsden would like to know the effect of water flow on stream after the project is complete. The Notice of Intent will be filed in 2-3 weeks.

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

**V. Request for Determination of Applicability**

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

Continued from 1/8/19

**2018-0020**

Ms. Bertoni presented for the applicant due to the homeowner being away. The Commission took a site visit on 1/14/19. The limit of work was delineated by orange fencing and wood chips. Ms. Bertoni notes the work appears far enough away from the wetlands. She has checked with the Cape Ann Vernal Pool Team and 200' buffer is more than adequate. Proposed septic system is for one lot; domestic-use well is for single family.

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

Motion: Mr. Gang

Second: Ms. Oseasohn

Actual Vote: 7-0

**VI. Notices of Intent**

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

Continued from 12/4/18, 1/8/19 (no discussion)

**DEP File #39-0793**

Bill Manuell of Wetlands & Land Management presented. The project is an after-the-fact utilities installation from Bridge Street up to the new house. Mr. Reissfelder had built a new house and his contractor installed new utilities in 2012-2013. There were shallow trenches. Mr. Manuell describes that utilities were laid in clean sand, the trenches backfilled with earth. The communications and electric were installed within a conduit, and the gas and water was a direct bury in a concrete encasement. There was an As-Built Survey done in 2018. The Commission took a site walk and it was noted that there is very little grade change from the garage to the street. There are several mature trees and no fill. On the uphill side of the driveway there is no alteration of grade. Along the driveway there is a 1/2' raise in grade in a small area. The conclusion the utilities installation had no significant change in grade due to trench and back filling. Regarding the ponding concerns Mr. Manuell did not see any disturbed ground or erosion and no evidence of ponding. There are pictures of a repaired pipe (at time of installation). The ground is stable and there is no erosion. There are no proposed plans of this project on record.

Mr. Jaworski feels National Grid should have a proposed plan in their files. The Commissioners express concern that there may have been alteration to the drainage (drainage pipes) beneath the driveway due to the many issues of abutters. Due to a lack of records regarding installation there are no plans to see if any drainage structure was found and removed or relocated to accommodate the trench. Mr. Manuell points out that there is no record of any pipes being there and the one they found they fixed. He further notes present conditions show there is no ponding of surface water and the site is stable. The Commission feels that if this project had gone through the regular process there would be documentation and more eyes on the project. There would be more evidence to respond to the abutter's statements of property damage. Lisa Wilson abutter at 122 Bridge Street informed the Commission on the previous conditions prior to the new homeowner at 118 Bridge. Previously there was never a water issue and now there is a visible impact. She would like to see some restoration. Richard Puchniak abutter at 120 Bridge Street has had a great deal of water damage. He recalls at the base of Mr. Reissfelder's driveway there was a storm drain and manhole cover. He feels there was a system of drainage pipes that is no longer there. His wife feels that land that had been always dry is now always wet. The Commissioners would like evidence of cause and effect regarding drainage issues. Mr. Gang

would like an independent look (forensic review) at this, who can talk to the contractor, inquire at National Grid and has knowledge of drainage. The Commission notes there seem to be two options at this point: the homeowner can pay for a peer reviewer and see if this can be solved with a drainage structure or bring forth a proposal to fix the issue himself. Ms. Bertoni read aloud a letter from the previous owner Linda Miller (118 Bridge) whose recollection was there were several areas of drainage and catch basins. Mr. Manuell requests a continuance to the 2/19/19 meeting and will discuss this matter with the homeowner.

**Vote:** To continue the matter to the next meeting on 2/19/19.

Motion: Mr. Jaworski

Second: Mr. Gang

Actual Vote: 7-0

**VII. Reconvene Regular Meeting** (Mr. Gang)

**VIII. Old/New Business**

**Eelgrass Presentation:** Lori MacCausland proposes that the Commission change the regulation in the by-law to better protect eelgrass. She would like to create protection from anchoring. She feels more research needs to be done. She pointed out that the Harbormasters in other towns enforce this type of protection. Mr. Gang feels this is not in our jurisdiction and is concerned about the ability to enforce a “no-anchor zone.” Mr. Lumsden proposes mapping out the different eelgrass areas in Manchester then determine what resources are available to preserve and proliferate the eelgrass. Ms. Bertoni reviewed the local by-law and regulations and there could be a change in wording to further protect eelgrass as part of the resource Land Under Ocean (LUO). This would be a regulation change and not a by-law change, as LUO is already included as a protected resource in the by-law.

**Conservation Restriction (CR) at Surf Village 0 Raymond Street:** The owners of Surf Village are inquiring if the Conservation Commission is interested in holding a CR on this property. Ms. Bertoni informed the Commissioners that MECT does not want the CR. The site is stable. The erosion control and limit of work fencing was encroached on during construction of the retaining wall – this will need to be resolved. The CR would be beneficial to protect the Buffer Zone and Wetland. The current site has a lot of debris where neighbors have been dumping within the buffer to BVW. The Commissioners request the property be cleaned up.

**Preservation of Dexter’s Pond:** Ms. Bertoni would like to move ahead on a RFP (Request for Proposal) for ecological assessment of Dexter’s Pond. The Community Preservation Committee approved \$14,000 for the project. The Commissioners say “go with it.”

**Vote:** To inform the Board of Selectmen the ecological assessment is recommended.

Motion: Mr. Gang

Second: Ms. Hayes

Actual Vote: 7-0

**Identifying parcels of land that might come into Conservation Land:** Ms. Bertoni informed the Commissioners that may be 1 more parcel near the other 3 previously discussed (Western Wood Study). The Commission would like to bring this forward on the warrant at Town Meeting. The concern last time was that the Master Plan was not finished. It is now complete and there is more information now since last time.

**Annual Report** – Ms. Bertoni informed the Commissioners that the Conservation Department Annual Report has gone to the printers.

**375<sup>th</sup> Town Celebration** – Discussion tabled to next meeting.

**IX. Minutes**

**10/2/18** – corrections discussed.

**Vote:** To approve the minutes as amended.

Motion: Mr. Gang

Second: Ms. Oseasohn

Actual Vote: 7-0

**10/23/18** – corrections discussed.

**Vote:** To approve the minutes as amended.

Motion: Mr. Gang

Second: Ms. Hayes

Actual Vote: 7-0

**X. Adjournment:**

There being no further business, a motion was made by Mr. Lumsden to adjourn the meeting at 9:18 pm. This motion was seconded by Mr. Oettinger and voted in favor 7-0.

Submitted by,

Eva Palmer

**XI.Meeting Documents (1/29):**

- Email re: 118 Bridge Street prior drainage on property from Linda D. Miller whose parents owned the property previously and who lived there for a time.
- Email re: 118 Bridge Street general landscape issues from Linda Wilson abutter at 122 Bridge Street.
- Email re: 120 Bridge Street water issues from Betsy Dalton previous owner of 120 Bridge Street.
- Letter from Lori MacCausland : proposed edits to the Wetlands Regulations to protect eelgrass
- A copy of a bill from the commonwealth of Massachusetts re: DEP develops and disseminates a model bylaw for adoption by the municipal governing body to ensure protection of coastal wetlands from boat anchoring.
- Draft RFP for Preservation of Dexter Pond Project.
- Copy of PowerPoint presentation re: Phragmites and the removal project proposed for Lobster Cove.