



# 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

March 12, 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.

### II. Certificates of Compliance

**46 Norwood Avenue, Gail & Stephen Gang – house addition plus a deck within Riverfront Area**  
New **DEP File #39-0467**

Mr. Gang recused himself. John Morin of the Morin Cameron Group presented. An Order of Conditions was issued in 2004 for the construction of a porch, proposed deck and addition. Everything was built as proposed. He can't confirm the restoration area in Riverfront. There are no plans just notations. Plantings were installed and the area left natural. There is a small walking path that is mowed. Structures were measured to verify project is compliant. What is not compliant is there was no monitoring of the restoration area. Ms. Bertoni did a site visit and the plantings are doing fine and are healthy.

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

Motion: Mr. Jaworski

Second: Ms. Oseasohn

Actual Vote: 6-0 1 abstained

**Elm Street Village, Kristin Poulin, Beverly Crossing/Meridian – 6 lot subdivision with associated roadway, storm water systems, grading and utilities**  
New **DEP File #39-0702**

Kristin Poulin of Beverly Crossing/Meridian presented. This property received a partial Certificate of Compliance in 2016, what remained outstanding was the growth period and survival of the plantings. The plantings have a 100% survival rate beyond the 2 year period. Ms. Bertoni did a site visit with the consultant for the partial Certificate and again for this request and saw no issues. She is confident the site has been taken good care of.

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

Motion: Mr. Gang

Second: Ms. Hayes

Actual Vote: 7-0

**48 Central Street, Jonathan Leavitt – maintain existing bulkhead and construct and maintain ramp and floats**

New

DEP File #39-188

Joe Murphy, engineer, presented. In 1992 an Order of Conditions was issued. Due to health issues the applicant did not go through the process for a Certificate of Compliance. The Commission has the stamped, As-Built Plans. Mr. Murphy had a site visit with Ms. Bertoni and the owner. All proposed work is in substantial compliance. Ms. Bertoni shared photos with the Commissioners. The float is anchored away from the reconstructed sea wall. The seasonal ramp is stored up on the ground with pea stone beneath it. The floats do not touch bottom at low tide. The Harbormaster wrote a letter to the Commission regarding the ramp and the floats. His observation since 2012 to the present there has been no changes to the floats or ramp and no observable negative impact to the harbor. Since this is an older Order of Conditions the order was issued separately under the state and the local by-law.

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

Motion: Mr. Gang

Second: Mr. Lumsden

Actual Vote: 7-0

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

**IV. Request for Determination of Applicability**

**92 Ocean Street, Longevity Bench Project/Manchester Essex Conservation Trust – installation of a “Longevity Bench” and concrete base within Coastal Beach & Dune, Land Subject to Coastal Storm Flowage, and 100’ buffer to Salt Marsh**

Continued from 2/19/19

2019-0001

Lisa Bonneville president of the Longevity Bench Project shared photos of the benches. Mike Dyer president of the MECT explained that this property was donated by Adele Ervin and the bench is a memorial to her. A site visit has occurred. The MECT Board voted unanimously in favor of the bench and will take full responsibility of maintenance. John Filias of Jeffrey’s Creek Landscaping will install the bench and pad and remove invasives around the area. Ms. Bertoni will work with Mr. Filias for an invasives removal plan. There is a small berm landward of the road that accumulates during road clearing that the Commissioners would like removed so the flow, if necessary, is not impeded. Mr. Filias has offered to take out some feet of it. Ms. Bertoni will take care of establishing a limit of work for that. Mr. Gang has concerns for the long term stability of the bench and whether it will get moved in storms or aggravate the surrounding area. Jacqueline Mooney abutter at 94 Ocean Street is concerned about maintenance is there is no “owner” on site. She is also concerned about drainage due to the concrete pad. Mr. Gang suggests signage for people to removed trash when they leave. Mr. Lumsden was concerned with having a concrete pad and wondered if there were any alternatives. Mr. Filias said there are no other material options but that the pad may be able to be thinner. Helical anchors are to be used. The current design is less than 10,000 lbs. The soil is very gravelly and drains well. Ms. Bertoni suggests a monitoring period or install rip rap to dissipate splash and a pre-construction site visit.

**Vote:** To issue a Negative 2 & Negative 3 Determination of Applicability with conditions.

Motion: Mr. Jaworski

Second: Ms. Oseasohn

Actual Vote: 5-0 2 abstained

**O Harbor Street, Town of Manchester – perform three test pits adjacent to existing seawall at “Stinky” Beach within Coastal Beach and 100’ Buffer to Coastal Bank**

New

2019-0002

Nate Desrosiers, foreman for the DPW presented. The project proposes three test pits adjacent to the seawall to facilitate permanent repair of the seawall that was damaged in the March storms. CDM Smith Design Consultants will do two test pits on the road side and one test pit on the beach side (performed from road). The size of the test pits will be 3X3' wide and 3X5' deep estimated. It will take 1 day of work. The DPW will use a mini excavator. There will be a silt sock on the beach side of the excavation. Same materials will go back in. Work will be done at low tide. There will be no machinery on the beach. There will be a spill kit on site. Any disturbed shellfish will be gently relocated.

**Vote:** To issue a Negative 2 & Negative 3 Determination of Applicability.

Motion: Mr. Jaworski

Second: Mr. Oettinger

Actual Vote: 7-0

**“Harbor Loop” , Town of Manchester – to affect permanent repairs to the sewer line by slip lining the existing sewer line within 100’, 50’ NBZ, and 20” NDZ buffers to Coastal Bank and Salt Marsh from Manhole 26A at 12 Ashland to Manhole 119 at 38 Central Street**

New

**2019-0003**

Chuck Dam, DPW Director presented. A few years ago there was an emergency repair of the sewer line at the Harbor Loop. This project is a follow up to that work. The best alternative is to CIPP line the existing pipe (cured-in-place-pipe). They will use a water cure which will cure fiber glass resin). They will also line the existing sewer laterals. He will submit to DEP on the waste water side. He has been in contact with DEP and they have approved the project with conditions. If a failure occurs during the process they have procedures in place to correct the issue. Property owners have been notified. The total project time is approximately 1 month. The installation of the main line will take 3 days. The property owners may be out of septic for 24 hours. There should be no excavation. The CIPP is a fully structural pipe with the longevity of approximately 50 years. Access will be through manholes, they will get permission from homeowners. Trucks will stay in parking areas. An alternative would be a pump station but that is more invasive.

**Vote:** To issue a Negative 2 & Negative 3 Determination of Applicability with conditions.

Motion: Mr. Jaworski

Second: Mr. Gang

Actual Vote: 7-0

**V. Notices of Intent**

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

Continued from 12/4/18, 1/8/19 (no discussion), 2/19/19 (no discussion)

**DEP File #39-0793**

Bill Manuell of Wetlands & Land Management presented. The homeowner is in attendance. The project is an after-the-fact utilities installation. Mr. Manuell reports the ground is stable, there is no erosion and grass covers each side of the driveway. From the upstream (uphill) side of the driveway the grades matched perfectly with the abutting land and there is nothing impeding the surface water flow. Mr. Manuell shared video of the gravel driveway during a rain storm where the water from Bridge Street flowed down the driveway and then into the homeowners grass. He found 2 pipes that discharge water that flows onto driveway unimpeded. He concludes that the work done on the utilities does not impede surface water from neighboring lands. He reports the homeowner has reached out to the abutter. Mr. Gang points out that the role of the Commission is to grant the Order of Conditions with special conditions then it is on the applicant to prove that they have met those conditions when they come for a Certificate of Compliance. Disagreements between neighbors are a civil matter. Ms. Hayes agrees that the driveway is stable but is troubled by the previous presentations by neighbors regarding drainage and flooding. She would like to see some forensic work done to show the area previously. Mr. Jaworski would like more information such as length of pipe and width of driveway.

**Vote:** To close the hearing.

Motion: Mr. Gang  
Second: Mr. Jaworski  
Actual Vote: 7-0

**121 Beach Street, Town of Manchester – repair and affect improvements to the existing revetment at Singing Beach within Coastal Beach, Coastal Bank, and Land Subject to Coastal Storm Flowage**  
New **DEP File #39-0801**

Magdalena Lofstedt of CDM Smith and Chuck Dam, DPW Director, presented. The revetment at Singing Beach was damaged in the March 2018 storms and needs repairs. It will be the same type of work as was approved in 2014. They will use the same plans from the previous repairs annotated with new locations. They will field verify the repairs this time and the areas of failure (20-30' sections). A silt fence will be installed and the limit of work will be at 30' No Disturb Zone. The contractor is T Ford who is currently in town working on the Morss Pier Project. They would like to start as soon as possible. FEMA will match 75% of the project cost.

**Vote:** To close the hearing.  
Motion: Mr. Jaworski  
Second: Mr. Gang  
Actual Vote: 7-0

**39 Coolidge Point, David & Martha Swift – construct various landscape improvements within 100', 50' NBZ, and 30' NDZ buffers to Coast Bank; and Coastal Bank**  
New **DEP File #39-0799**

Robert Griffin of Griffin Group LLC presented. The project is landscape improvements: terraces and patios off the kitchen, a patio off the family room and small spa about 10-20' out from the house, walkways connecting to the guest house, and stepping stones in the steeper areas in gravel and sand. The area is difficult typography. The alternatives are to look at other areas but there is not a better area. There are not many options for terraces and patios close to the house. There are 2 drywells that will drain 50-60% of the roof runoff. They are proposing a large replanting area (approximately 6000 sq. feet) around the patio & fire pit which is now mulch and perennials. They would like to remove the perennials and plant native plants and shrubs. The Commissioners would like a site visit and schedule one for Saturday 3/23/19 at 5:00 p.m.

**Vote:** To continue the matter to the 4/2/19 meeting.  
Motion: Ms. Hayes  
Second: Mr. Gang  
Actual Vote: 7-0

**27 Proctor Street, Michael Comb – raze and rebuild an existing single family home and appurtenances within 100', 50' NBZ, and 30' NDZ buffers to Coastal Bank; Land Subject to Coastal Storm flowage; and Salt Marsh**  
New **DEP File #39-0802**

Mike DeRosa of DeRosa Environmental Consulting and John Morin of Morin Cameron Group presented. It was noted that the plans in the Commissioners packets should be replaced with the revised plans. New plans with a revision date of 2/27/19 were submitted. One rain garden was removed from the drainage report. The plan for this property is to be the "Comb Compound" and will need a lot of parking. DeRosa proposes two restoration areas. The alternative analysis is to do nothing. There will be an increase of 87 sq. feet in the 30' NDZ, an increase of 925 sq. feet in the 50' NBZ, and an increase of 5511 in the outer 100' buffer zone to Coastal Bank and Salt Marsh.

For mitigation to address storm water runoff, oversized recharge areas for the roof are proposed. This will provide 791 cubic feet of recharge. For other discharges there are 4 locations. There will be stone infiltration trenches that will be picked up by perforated pipe and discharged to a bioretention area. In the garage the grade of the floor will be raised above the 100 year flood plain, and there will be infiltration trenches along the

driveway. Pervious pavers will be used for additional parking. Estimated parking for 8-10 cars. There is 8000 additional sq. feet of impervious surface that they are treating to mitigate for the work in the NBZ and NDZ areas.

The new house will have a covered deck, green house connection and a new place for an in-law apartment. The rain gardens will be planted with native species. Approximately ten trees will need to be removed due to structures or are in decline. There will be an invasive species inventory and removal plan. The restoration plan is to replace the invasives with natives, replace trees with White Pine, Red Oak and Gray Birch, plantings on the 3-4' wall, and taking out 350 sq. feet of existing fill material that is in the salt marsh, allowing a natural restoration of the salt marsh. There is approximately 4500 sq. feet of mitigation, including plantings. There are no plans at this time to do any work on the driveway (causeway). Work on the causeway will be considered in the future. The Commission schedules a site visit for Saturday 3/23/19 at 4:00 p.m. At the time of this meeting no DEP File number had been assigned.

**Vote:** To continue the matter to the 4/2/19 meeting.

Motion: Mr. Jaworski

Second: Mr. Gang

Actual Vote: 7-0

**43 Lincoln Street & 0 Brook Street, MERSD – demolish the existing and construct a new elementary school within Riverfront Area; and the 100', 50' NBZ, and 30' NDZ buffers to Bordering Vegetative Wetland**

New

**DEP File #39-0800**

Debi McDonald project manager of JCJ Architecture presented. Also in attendance was Dan Solein, landscape architect, Civil Engineer Ken Hodgson of Samiotes and from the School District, Remko Breuker. Bill Jones, peer reviewer, also in attendance. The landscape architect outlined the proposed parking, driveway and planting areas. The new school will be west of the existing driveway. There will be a 23 space parking lot in the center of a one way loop. There will also be a 14 space parking area (service point area). The driveway will be big enough for fire emergency provisions. There will be pedestrian circulation, a sidewalk parallel to driveway and loop with other entry points. There will be a friendship garden and outdoor classroom, a preschool playground, a grades K-1 playground, a grades 2-5 playground, and a play court (also used for overflow parking). The perimeter will be seeded with native grass mix lawn and 2 raingardens. In response to Mr. Gang's question regarding on why isn't the building moved further away from the resource area the response was space, still using existing building during construction and expense. The civil engineer, Ken Hodgson, outlined the phasing plans. Erosion sedimentation controls will be used. Phase 1: Removal of part of existing building, erosion controls put in, put in access road (for fire access), silt socks installed at nearby catch basins. Phase 2: Removal of two other sections of existing building, adding more sedimentation/erosion controls to work area, replacing culvert pipe that drains back to wetlands. Phase 3: Building remainder of new school, adding to sedimentation/erosion controls, using fencing and screens, demolishing the old building. Phase 4: As the old building comes out removing retaining walls and sidewalk. Phase 5: The site is graded, the new building is in place, moving slopes out a bit for new roadway and parking.

There will be less impervious area in Riverfront. In the Riverfront Area the existing building is 87.4 sf, the new building is 153.1 sf. The structure (retaining wall) existing is 2.8' and the new will be 15'. The wetland setback for the existing is 27.2' and proposed for the new is 52.3'. The proposed roof - a good part of the water runoff will go to infiltration in an underground detention basin. By the time of ultimate discharge it will have been treated. There are 3 discharge points: the raingarden, interior courtyard which then drains to a 2<sup>nd</sup> raingarden. It is a very crowded site. The amount of flow has been reduced at the west and north ends. They have exceeded providing suspended solids removal. There will be all new utilities. For access & logistics to site they will be erecting a construction fence. There will be a stabilized construction entrance with 2-3" of crushed stone. The tennis courts will be used as a lay down area. The path will be taken over, and since the hill has a sharp decline they want to put in a temporary bituminous concrete walkway. The playing field will be fully functional and the area down from the field will need to be surveyed for access. There is urgency to get this permitted. The schedule is tight with the planned building demo starting this summer and the foundation work

starting in August. New plans dated 3/18/19 were submitted at tonight's meeting. Ken Hodgson points out that he is not actively changing drainage plan, all elements are in place. Bill Jones feels confident he can move forward with peer review. Alexandra Garcia-Motta, abutter at 70 Lincoln Street, is concerned with the parking area along the Riverfront. Can the parking spaces be permeable? The answer was that it costs more and requires maintenance.

**Vote:** To continue the matter to the 4/2/19 meeting.

Motion: Mr. Gang

Second: Mr. Jaworski

Actual Vote: 7-0

**Vote:** To request the applicant set aside \$13,000 to cover the cost of peer reviewer and to cover the application of the Notice of Intent, Order of Conditions and Certificate of Compliance.

Motion: Mr. Gang

Second: Mr. Jaworski

Actual Vote: 7-0

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

**VII. Old/New Business**

**Ocean Street Letter Permit:** Ms. Bertoni issued an Emergency Tree Permit to remove two dead White Pines on Ocean Street. Work was done by Buckley Tree Service. He'll come back with an RDA to remove invasives.

**Manchester Bath & Tennis Letter Permit:** Ms. Bertoni issued a letter permit to Manchester Bath & Tennis to regrade the parking area with  $\frac{3}{4}$ " pack material.

**9 Tuck's Point CMA invoice**— The Commission received an invoice for the peer review on 9 Tuck's Point for \$822.36. Ms. Bertoni informs the Commissioners that the concrete pour is scheduled for 8:30 a.m. on Thursday 3/14/19. Ms. Bertoni and the peer reviewer will be there. Curt Young will request a check from the homeowner for additional peer review expenses.

**Vote:** To approve the expenditure.

Motion: Mr. Gang

Second: Ms. Hayes

Actual Vote: 7-0

**0 Magnolia Avenue:** This property is proposed as a warrant article for the Conservation Commission to accept this land as conservation land. The Board of Selectmen approved it. There are some deed restrictions that need to be worked out. The town is considering putting a 1000 gallon water holding tank on this property to help with fire protection. Mr. Gang thinks this land was already given to the Commission several years ago. Ms. Bertoni will look into this.

**Vote:** To accept this land as a gift and administer it under Conservation management.

Motion: Mr. Gang

Second: Ms. Oseasohn

Actual Vote: 7-0

**Eelgrass update from subcommittee** – Mr. Lumsden met with the Harbormaster to discuss eelgrass. The Harbormaster's recommendations are: helix moorings-no chain, in areas that have eelgrass; no wake zone restriction in the bay, a limited number of transient moorings in eelgrass area, and signs on floats that show eelgrass area and that it is a prohibited anchoring area. Mr. Oettinger met with Phil Colarusso (eelgrass expert) and will meet with him again before the next meeting and give an update. Mr. Jaworski points out that Sand

Dollar Cove has very sparse eelgrass. Mr. Gang points out that studies show that there are other things that are more detrimental to eelgrass.

**Town Meeting** – Ms. Bertoni informs the Commissioners that the three Town-owned parcels that the Commission would like to put under Conservation Land can be ready to go for Town Meeting. There are possibly more Town-owned parcels that could be eligible.

**Cranberry Bogs off Pleasant Street** – Katerina Gates, presenting, found some information that there used to be 20 acres of cranberry bogs off Pleasant Street. She feels this could be used as Conservation Land. More research will be needed.

#### **VIII. Order of Conditions**

**118 Bridge Street:** Conditions were discussed. The Commissioners would like more information on spot grades and survey the width of the driveway. They want to see evidence of whether the grades have changed. A forensic civil engineer could be useful. Mr. Gang feels it is on the homeowner to give evidence that the job was done correctly to get a Certificate of Compliance down the road.

**Vote:** To issue an Order of Condition with conditions

Motion: Mr. Jaworski

Second: Ms. Oseasohn

Actual Vote: 7-0

**121 Beach Street, Singing Beach Revetment:** Conditions were discussed.

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

Motion: Mr. Gang

Second: Ms. Hayes

Actual Vote: 7-0

#### **IX. Minutes - none**

#### **X. Adjournment:**

There being no further business, a motion was made by Mr. Gang to adjourn the meeting at 10:20 pm. This motion was seconded by Mr. Jaworski and voted in favor 7-0.

Submitted by,

Eva Palmer

#### **XI.Meeting Documents (3/12):**

- RDA for test pits at 0 Harbor Street submitted by Nathan Desrosiers, Manchester DPW.
- Request for Certificate of Compliance at 46 Norwood Avenue submitted by Gail & Stephen Gang.
- Request for Certificate of Compliance at 48 Central Street submitted by Jonathan Leavitt.
- Request for Certificate of Compliance at Elm Street Village submitted by Kristen Poulin, Beverly Crossing/Meridian.
- RDA for Longevity Bench at 92 Ocean Street submitted by Longevity Bench Project and Manchester Essex Conservation Trust.
- RDA for Harbor Loop sewer line submitted by Manchester DPW.
- NOI for repairs and improvements to the revetment at Singing Beach submitted by Manchester DPW.
- NOI for raze & rebuild of a single family home at 27 Proctor Street submitted by Michael Comb.
- NOI for various landscape improvements at 39 Coolidge Point submitted by David & Martha Swift.

- NOI for demolishing existing & constructing new elementary school at 43 Lincoln Street & 0 Brook Street submitted by Avi Urbas, MERSD; and Plan Set.