



# 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

April 2, 2019

Town Hall, Room 5 ♦ 6:30 PM

## MINUTES

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### I. Call to Order

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

**Members Absent:** Steve Jaworski, 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. Request for De Minimis Change

**0 Summer Street (map 7, lot 19), Stephen Kasnet – Ecological Restoration Limited project within Salt Marsh**

New

DEP File #39-0797

Mike DeRosa of DeRosa Environmental Consulting presented. A Notice of Intent was filed in December; an Order of Conditions was issued and the project begun. The Norway Maples have been removed. The Manchester Tree Warden voiced concern about trees that were being removed and Ms. Bertoni requested the removal be suspended until a meeting with the contractor, consultant, and agent take place. The White Pines on the edge of the salt marsh are stressed and dying. This change requests they be removed. The Red Cedars will stay since they are salt tolerant. The plan to revegetate the canopy trees with Red Oak, Red Maple & Red Cedar. There will be 18 trees planted and will be 12-15' tall and 2" caliper. Three compromised pine trees along Summer Street are proposed to be flush cut. All trees planned for removal are marked. Ms. Bertoni, Mr. DeRosa, Dan Mayer (arborist), and Tom Henderson (town arborist) will meet to discuss the situation. Cleanup will start next week. The planting plan has an herbaceous layer to stop erosion, brings in trees that will thrive, and plantings in the understory are coming through where it was formally sparse. Harold and Cheryl Jones, neighbors at 389 Summer Street, are concerned about the stability of the hill (along Summer Street) and concern for bird habitat in general with the removal of the taller trees. Ms. Bertoni is concerned with the amount of canopy being temporarily removed. Mr. DeRosa will keep 3-4 currently dead or dying trees, cut at 12' or so, as "habitat" trees for birds. Ms. Bertoni will do a site visit.

**Vote:** To accept the De Minimis Change with conditions.

Motion: Mr. Lumsden

Second: Ms. Oseasohn

Actual Vote: 4-0 1(abstained)

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

### IV. Request for Determination of Applicability

**Running Ridge Row & intersection at Forster Road, Forster Road Improvement Association c/o David Locke – Roadway Improvements within the 100’ buffer to an intermittent stream**

New

**2019-0004**

Members of the Forster Road Improvement Association presented: Charles Nahatis 8 Running Ridge Row, David Locke 4 Running Ridge Row, and Ken Warnock 5 Running Ridge Row. The roads are private and the residents are responsible for maintenance and paving. The road has deteriorated, the pavement is failing and there are a lot of potholes. John Judd from Gateway Engineering has assessed the situation. He reports that water sits and pools and breaks up the pavement. His suggestion is to grind the existing pavement, use it as a base and re-pave. The Running Ridge Row project is 650 feet. A French drain is suggested to be installed on the side so when water from Hyland Avenue runs under the road the French drain will collect it and direct it to the existing storm drain. It will also collect any water from the wetland area that abuts the bottom of Running Ridge Row and Forster Road. This wetland area was delineated by DeRosa Environmental Consulting. There will be no widening of the street. It will be re-crowned. Approximately 75’ of the work is in Conservation Commission jurisdiction. Plans were shared with DPW Director Chuck Dam and he supports it. The proposed new berm is in the 100’ buffer on both sides. The perforated pipe will collect the pavement runoff and the berm will direct it to a drain. They plan to use a Cape Cod Berm which is lower and flatter and imbedded in pavement. The Commission feels the change in drainage management is an improvement over current conditions. There will be no increase of water flow and it will be more filtered.

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

Motion: Mr. Gang

Second: Ms. Oseasohn

Actual Vote: 5-0

**V. Requests to Amend an Order of Conditions**

**27 Proctor Street, Michael Comb – Seawall repair and repointing within Coastal Bank and Salt Marsh**

New

**DEP File #39-0773**

Mike DeRosa of DeRosa Environmental Consulting presented. An Order of Conditions was issued for a seawall repair. The stone mason has reported that the wall is bulging in areas and falling apart due to freeze and thaw. Bill Perdulane was hired to design additional repair work so the contractor can safely complete the remainder of the approved repairs. The Amendment proposes to add concrete footers beneath the existing wall where the bulges are located and to stabilize the loose stones with mortar. This Amendment request was filed with Army Corps of Engineers because it now involves work below mean low water. Once the wall is stable they will begin work on the landward side this summer. They just want to make the outside safe so they can work on the inside. The addition is 3’ X 1’. Commission was given a new plan with the new detail and a revision date of 1/31/19. The only change on the plan is the detail regarding the bulges. All the work will be done by hand.

**Vote:** To accept the amendment, special conditions will still apply from Order of Conditions.

Motion: Mr. Gang

Second: Ms. Hayes

Actual Vote: 5-0

**VI. Notices of Intent**

**39 Coolidge Point, David & Martha Swift – construct various landscape improvements within 100’, 50’ NBZ, and 30’ NDZ buffers to Coastal Bank; and Coastal Bank**

Continued from 3/12/219

**DEP File #39-0799**

Per Ms. Bertoni the consultant requested a continuance to the next meeting.

**Vote:** To continue the matter to the next meeting on 4/23/19

Motion: Mr. Gang

Second: Ms. Oseasohn

Actual Vote: 5-0

**27 Proctor Street, Michael Comb – raze & rebuild an existing single family home and appurtenances within 100', 50' NBZ & 30' NDZ to Coastal Bank; Land Subject to Coastal Storm Flowage; and Salt Marsh**

Continued from 3/12/19

**DEP File #39-0802**

Mike DeRosa of DeRosa Environmental Consulting presented. Steve Holt and Charlie Silva were in attendance. At the time of the first hearing there was no DEP File number issued due to a missing check, but a file number has been issued. There was a site visit on 3/23/19. There is 4000 sq. feet of ledge that will be worked on and they would like to re-use it all on site. Some ledge will be removed for infiltration and clean fill will be used. The staging area will be set up on the existing septic system using a wood plank system designed to protect the system. The driveway will be impervious pavement because the alternative is gravel which will get compacted in time, there is ledge underneath, and porous asphalt is too soft and can dent in the hot weather. There are time restraints on this project.

**Vote:** To close the hearing, will issue the Order of Conditions when the DEP file number is assigned.

Motion: Mr. Gang

Second: Ms. Oseasohn

Actual Vote: 5-0

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

Continued from 3/12/19

**DEP File #39-0800**

The Consultants have requested a continuance to the next meeting.

**Vote:** To continue this matter to the next meeting on 4/23/19.

Motion: Mr. Gang

Second: Ms. Hayes

Actual Vote: 5-0

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

**VIII. Old/New Business**

**43 Lincoln Street:** Ms. Bertoni explains that the consultants for this project may not be able to give us the full project information since it is being done in phases. The Commission may be asked to approve the work in phases. Mr. Gang's issue is that if Phase 1 is approved then the Commission is locked in to the rest of the project without knowing in advance the impacts on the resource. Ms. Oseasohn wants clear information before approving Phase 1. Ms. Bertoni has emailed the consultants about having certain conditions in place such as having impact calculations for each phase and the alternative analysis finished before starting the demolition phase and is waiting for a reply.

**Singing Beach Steps:** Ms. Bertoni reports that Joe Sabella maintains the steps and cleans off sand every year and he has asked to do this again.

**Eelgrass Update:** Mr. Oettinger discussed the handout. He spoke with Phil Colarusso (Eelgrass expert) who recommends looking into harvesting Eelgrass seed which has been successful in other areas. Mr. Lumsden spoke with the Harbormaster and discussed mooring options, reducing speed of boats, and maybe a restriction

of boats in heavy Eelgrass areas. He noted that in Santa Monica, CA if there is dredging or dock work there needs to be mitigation with seeding of eelgrass. Ms. Bertoni discussed the change in regulations that performance standards could be called out in a narrative way to highlight/reinforce performance standards for Land Under Ocean.

**84 Old Essex Road:** Ms. Bertoni informed the Commissioners that the Planning Board would like comments regarding 84 Old Essex Road for their next meeting.

### **IX. Order of Conditions**

**27 Proctor Street** – Commissioners discussed conditions. The DEP File number is unknown.

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

Motion: Mr. Gang

Second: Ms. Hayes

Actual Vote: 5-0

**Vote:** To lift the Enforcement Order

Motion: Mr. Gang

Second: Ms. Oseasohn

Actual Vote: 5-0

### **X. Adjournment:**

There being no further business, a motion was made by Mr. Oettinger to adjourn the meeting at 9:25 pm. This motion was seconded by Mr. Gang and voted in favor 5-0.

Submitted by,

Eva Palmer

### **XI.Meeting Documents (4/2):**

- Request for Determination of Applicability – Running Ridge Row/Forster Road proposed by the Forster Road Improvement Association.
- Request for De Minimis Change – 0 Summer Street #39-0797 proposed by DeRosa Environmental Consulting, Inc.
- Amendment Request – 27 Proctor Street #39-0773 Comb Residence proposed by DeRosa Environmental Consulting, Inc.
- Notice of Intent – 27 Proctor Street #39-0802 Comb Residence proposed by DeRosa Environmental Consulting, Inc.
- Document and plans for Preliminary Project Review, Comments, Concerns & Questions – 43 Lincoln Street, #39-0800 new Memorial Elementary School dated 3/21/19 proposed by Linden Engineering Partner, LLC.