



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 23, 2019

Town Hall, Room 5 ♦ 6:30 PM

MINUTES

I. Call to Order

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

Members Absent: Steve Jaworski

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. Requests for Certificates of Compliance

53 Raymond Street, Lee Delicker – house addition and septic system upgrade within 100', 50' NBZ and 30' NDZ buffers to Coastal Bank

New

DEP File #39-0422

Mike DeRosa of DeRosa Environmental Consulting presented. He and Ms. Bertoni had done a site walk. Meridian did the As-Built Plan. The revised plan has not been submitted yet due to anticipated conversation and questions. An Order of Conditions (OOC) was issued in 2002 for a driveway, house addition and septic system. All were completed. One issue with the driveway was that it was paved instead of being pervious and it is in the flood plain although he feels this driveway has no impact on the flood plain (there is a specific condition that it not be paved in OOC). There is no change in gradient so therefore no issue with the flood plain. In 2014 a Request for Determination of Applicability was filed for additional walkway pavers, deck, outdoor shower and a planting plan. These were not constructed according to plan. Also included was a patio in back that is in the 30' buffer. It was supposed to be pervious but blue stone was used, laid very close together and is therefore not pervious. There are some other miscellaneous changes that are on the As-Built Plan of additional pavers, a trellis fence, and a granite post with a spigot. Mr. DeRosa recommends that this request for a Certificate of Compliance be continued while he finds a solution for the driveway issue. Ms. Bertoni informed the Commission that the site appeared stable although items were not built as approved. There are items out of compliance that need action to return to compliance. There are overhangs that were not permitted, but runoff falls on pavers. The Commissioners would like a site visit. A site visit is scheduled for Monday April 29th at 5:00 p.m.

Vote: To continue this matter to the 5/14/19 meeting.

Motion: Mr. Gang

Second: Ms. Hayes

Actual Vote: 6-0

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

IV. Request for Determination of Applicability

0 Lobster Cove (map 18, lot 25), Town of Manchester – invasive species removal within 100', 50' NBZ, and 30' NDZ buffers to Coastal Beach
New **2019-0005**

Will Kenney, MERSD student, presented. There is an issue with the disposal of the invasives. The Dump will not take it and it can't be used as compost. It can be burned but they need a burn permit and it must be burned by 5/1/19. The certified applicator who was going to apply the herbicide is currently on vacation (Tyler Ferrick an employee of DeRosa Environmental). He does need this permit to get the burn permit. The students will have 8-10 people working at the job site and they think they can get a lot of the invasives pulled out in time to burn. Mike DeRosa (in the audience and also a certified applicator of herbicide) offered to help out. The Commissioners discussed conditions.

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

Motion: Mr. Gang

Second: Ms. Oseasohn

Actual Vote: 6-0

V. Notices of Intent

39 Coolidge Point, David & Martha Swift – construct various landscape improvements within 100', 50' NBZ, and 30' NDZ Buffers to Bordering Vegetated Wetland
Continued from 3/12/19, 4/2/19 (no discussion) **DEP File #39-0799**

Bob Griffin of Griffin Engineering presented. The project proposes small additions, terraces off the kitchen and living room. There will also be repairs to an existing patio, add a sitting wall, fire pit and walkways. He proposes 2800 sq. feet infiltration of previously not collected roof runoff that will go to two added drywells. There will be work in the 30' NDZ. Approximately 1400 sq. feet overall will be disturbed and he proposes mitigation of plantings in 6000 sq. feet in size (revegetation). During the site walk cutting of native vegetation was noticed. Mr. Griffin pointed out that historically the homeowner had cut back perennials in the fall and some *Rosa rugosa* and area to the south (invasives). The Commissioners discourage cutting in sensitive areas and also request the amount of mulching be reduced. Ms. Bertoni did note a small area of erosion and hopes the mitigation plantings will address this.

Vote: To close the hearing.

Motion: Mr. Gang

Second: Mr. Lumsden

Actual Vote: 6-0

23 Magnolia Avenue, Deborah Tyrell – install replacement septic system within the 100', 50' NBZ, & 30' NDZ to Bordering Vegetated Wetland
New **DEP File #39-0805**

Bill Manuell of Wetlands & Land Management presented. The project is a septic system install/upgrade. The only place on the parcel to put the leach field is in the front yard. This is where the leach field is designed. It has an element of advanced treatment in the design. There is a blower in the septic tank which aerates the leachate before it gets to the field and then there are a series of chambers in the field. It is a raised system. The area is surrounded by wetland. The water table is close to the ground surface. The Board of Health requests a waiver because the reviewer would like to see some separation between the leaching field and the water table. Therefore the footprint of the leach field will be the same as the current field. It will just be 2' higher (new plans were handed out this evening to show this change). This change will make it 4' above seasonal high water table. There will be a full boulder wall around the full circumference of the leach field. The boulders will be imported to the site. There is one large pine tree that needs to be removed since it is in the leach field. The trees outside the field will remain. Mr. Manuell is awaiting approval from Board of Health. Ms. Bertoni

pointed out that there is a fair amount of trash in the 30' NDZ and very close to the resource. She feels it is appropriate to ask the homeowner to clean this up.

Vote: To close the hearing.

Motion: Mr. Gang

Second: Ms. Hayes

Actual Vote: 6-0

1 & 3 Kings Way (2 lots), Martin McNally – extend and pave a driveway within the 100', 50' NBZ, & 30' NDZ Buffers to Bordering Vegetated Wetland

New

DEP File #39-0804

Bill Manuell of Wetland & Land Management presented. The homeowner is in attendance. The project is to extend & pave a driveway in the buffer zone (2 lots). The driveway is roughed in at basically finish grade, but not paved. The driveway connects to two building sites outside of the buffer zone. Mr. Manuell has re-flagged the resource which is a previously replicated wetland. There driveway is already roughed in to sub base. There is a line of boulders on each side of the driveway. He proposes to fine grade the road so surface runoff flows toward the low area of the driveway prior down pavement. Utilities are already installed. The previous Order of Conditions required a large detention pond and this is sized large enough to accept roadway surface runoff. The driveway is pitched to drain back towards the detention pond. The paving will be 16'-14' wide and leave a about 24" to 30" shoulder on either side for loam and seed and filtering roadway surface runoff. The Commissioners would like a site visit and one is scheduled for Monday 4/29/19 at 5:30 p.m.

Vote: To continue this matter to 5/14/19 meeting.

Motion: Mr. Gang

Second: Mr. Puopolo

Actual Vote: 6-0

1 Eaglehead Road, Proud Eagle Realty Trust – construct an addition and deck, install utilities, demolish an existing structure, remove invasive species and install native plants within the 100', 50' NBZ, & 30' NDZ Buffer to Coast Bank

New

DEP File #39-0803

Mike DeRosa of DeRosa Environmental Consulting presented. The proposed project is to construct an addition and deck, install utilities, remove invasives and install plantings. The Zoning Board has approved the project. There is currently a stone building associated with a barn structure on site (this is one lot due to a subdivision). He would like to re-route the utilities to the septic system of the barn structure. The Board of Health reviewer Jerry McDonald recommends approval of the re-route of the utilities to the septic system. The Board of Health meets on Thursday to vote. Mr. DeRosa proposes adding a 14' timber deck on sonotubes. The addition will be ½ kitchen ½ screened in porch on a poured concrete foundation located in back. Also on the backside of the house he proposes adding a second story. It will not go higher than the current ridge line. In total there will be 348 ½ sq. feet of addition/deck minus 81 sq. feet of converting existing impervious which equal 267 sq. feet of impervious with 3330 sq. feet of proposed mitigation. The planting plan will add more Red Cedar, Beach Plum, Bayberry and more along the whole coastline. Ms. Bertoni points out that the mitigation planting is an alteration unto itself (Coastal Bank). Overall it is a habitat improvement and all work will be hand labor. The Commissioners would like a site visit and schedule one for Monday 4/29/19 at 6:00 p.m.

Vote: To continue the matter to the 5/14/19 meeting.

Motion: Mr. Gang

Second: Ms. Hayes

Actual Vote: 6-0

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

Continued from 3/12/19, 4/2/19 (no discussion)

DEP File #39-0800

The consultants requested a continuation to the next meeting.

Vote: To continue the matter to the 5/14/19 meeting.

Motion: Mr. Gang

Second: Ms. Hayes

Actual Vote: 6-0

VI. Reconvene Regular Meeting (Mr. Gang)

VII. Old/New Business

Linden Engineering Invoice: Ms. Bertoni informs the Commissioners that we have received an invoice from Linden Engineering for the Peer Review at 43 Lincoln Street.

Vote: To approve payment of the invoice.

Motion: Mr. Gang

Second: Ms. Oseasohn

Actual Vote: 6-0

CMA Engineers Invoice: Ms. Bertoni informs the Commissioners that we have received a final invoice from CMA Engineering for the Peer Review at 9 Tuck’s Point. The left over money in the account will be returned.

Vote: To approve payment of the invoice.

Motion: Mr. Gang

Second: Ms. Hayes

Actual Vote: 6-0

Letter Permits– Ms. Bertoni issued letter permits for septic and soil test pits at 12 Plum Hill, tree removal at 35 Coolidge Point and for 2 borings and 23 probes at 43 Lincoln Street.

Eelgrass subcommittee update: Ms. Bertoni and Mr. Oettinger have draft language where additional protection can put land under ocean into focus in regulations. Section 9 Performance Standards can follow language taken from the Wetlands Protection Act for Land Under Ocean. The Commissioners discussed the draft and its implications. The next step is to look into municipalities that have adopted this and what opposition may exist. Ms. Bertoni informs the Commissioners the town has recently added a patrol boat and there may be some information signage on buoys regarding what’s happening there off Long Beach.

CPC looking for proposals: Ms. Bertoni informed the Commissioners that the CPC is looking for proposals from departments which may need additional funding. She suggests the Dexter’s Pond proposal (mitigation and/or dredging). Ms. Hayes has initiated a list of possible parcels of town owned land to bring under Conservation ownership. The money from CPC may be used for purchase of land. The Commissioners will review Ms. Hayes’ list and think of ideas to discuss at the next meeting.

Open Space Committee spot: Mr. Jaworski is looking for someone to take his spot on the Open Space Committee. Mr. Gang volunteers.

84 Old Essex Road: The Town Planner, Sue Brown and the Planning Board are requesting comments on 84 Old Essex Road. Ms. Bertoni looked at the plans and does not see anything that is a Conservation

Commission concern or that are in our jurisdiction. Ms. Bertoni will make a draft and it will be reviewed by Ms. Oseasohn.

Planning Board: The Town Planner Sue Brown is convening a working group to assess a 40R smart growth overlay district and is looking for volunteers from the Conservation Commission. David Lumsden volunteers.

Adele Irvin Memorial Bench – There is currently a fund raising effort to raise funds to have this bench installed.

CPA Proposal – There is a proposal for a study that will follow the RFP for Dexter's Pond. This includes permitting. Work will be done by DeRosa Environmental Consulting. Up for discussion is proposing signage for the trail and a dog poop station. The work will begin in May. Ms. Bertoni will draw up a contract between DeRosa Environmental Consulting and the Commission.

VIII. Orders of Conditions

39 Coolidge Point – Commissioners discussed conditions.

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

Motion: Ms. Hayes

Second: Mr. Gang

Actual Vote: 6-0

23 Magnolia Avenue – Commissioners discussed conditions.

Vote: To issue an Order of Condition with standard and special condition pending approval of the Board of Health.

Motion: Ms. Hayes

Second: Mr. Oettinger

Actual Vote: 6-0

IX. Minutes

1/8/19 – corrections discussed.

Vote: To approve the minutes as amended.

Motion: Mr. Gang

Second: Ms. Oseasohn

Actual Vote: 6-0

1/29/19 – corrections discussed.

Vote: To approve the minutes as amended.

Motion: Mr. Gang

Second: Mr. Oettinger

Actual Vote: 6-0

2/19/19 – corrections discussed.

Vote: To approve the minutes as amended.

Motion: Mr. Gang

Second: Mr. Oettinger

Actual Vote: 6-0

X. Adjournment:

There being no further business, a motion was made by Mr. Gang to adjourn the meeting at 9:05 pm. This motion was seconded by Mr. Oettinger and voted in favor 6-0.

Submitted by,

Eva Palmer

XI.Meeting Documents (4/23):

- NOI – 23 Magnolia Avenue for septic replacement submitted by Deborah Tyrrell.
- NOI – 1 King’s Way to extend and pave a driveway submitted by Martin Nally.
- NOI – 3 King’s way to extend and pave a driveway submitted by Martin Nally.
- NOI – 1 Eaglehead Road for addition to a single family home submitted by Proud Eagle Realty Trust.
- NOI – 43 Lincoln Street & 0 Brook Street for demolition of existing elementary school and construction of new elementary school by Avi Urbas of MERSD.
- RDA – 0 Lobster Cove for invasive species removal by MERSD students (S.C.O.R.E. project) submitted by the Manchester Conservation Commission.