



MANCHESTER-BY-THE-SEA

CONSERVATION COMMISSION • TOWN HALL
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Telephone (978) 526-4397 FAX (978) 526-2001

Conservation Commission Meeting

May 14, 2019

Town Hall, Room 5 ♦ 6:30 PM

MINUTES

I. Call to Order

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

Members Absent: Joe Puopolo, Sari Oseasohn

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

50 Proctor Street, Robert Crocker – regrading existing lawn within Land Subject to Coastal Storm Flowage, and 100', 50' NBZ, and 30' NDZ buffers to Coastal Beach

New

DEP File #39-0781

Andrew Crocker presented. Due to the prior septic upgrade project, the proposed project is a re-grading so that the slope of the yard is more even. The original plan was to bring in fill and put it on top of the existing loam. The plan of the new contractor says it will be more efficient by taking up existing loam, put down fill then put loam on top. The reasons for this change are there will continue to be a consistent soil layer and less foreign material added to environment. The existing stockpile will sit on the edge of the work site for a day or two. The storage area is back from the dune. The fill will be clean sandy loam. Ms. Bertoni informs the Commissioners that Special Condition #31 will need to be changed due to this De Minimis Change.

Vote: To grant a De Minimis Change and make amendment to Special Condition #31.

Motion: Mr. Gang

Second: Mr. Lumsden

Actual Vote: 5-0

III. Request 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

Continued from 4/23/19

DEP File #39-0422

Mike DeRosa of DeRosa Environmental Consulting presented. The Commission did a site walk last week with Mr. DeRosa and identified several items not consistent with the permit. The new plan provided is a Proposed Site Mitigation Plan. The existing paved driveway will be removed and replaced with an entirely pervious surface. The paver walkways will remain impervious. The impervious stone patio will have the joints cut and widened and will be replaced with pervious rice stones. There is 450 sq. feet of existing lawn which will be converted to beach grass. The foot wash stone and outlet will be kept and stepping stones will be added to

connect it to the patio. The privacy fence will be kept. Mr. DeRosa agrees that an Enforcement Order will allow the work to be done to return to compliance and then come back for the Certificate of Compliance.

Vote: To issue an Enforcement Order

Motion: Mr. Gang
Second: Ms. Hayes
Actual Vote: 5-0

31 Proctor Street, Katherine & Phillip Bullen/Bullen Nominee Trust – reconfiguration of bottom-anchored floats

Continued from 12/4/18 to 5/14/19

DEP File #39-0725

The applicant requested a continuance.

Vote: To continue this matter to the next meeting on 6/4/19.

Motion: Mr. Gang
Second: Ms. Hayes
Actual Vote: 5-0

33 Proctor Street, Katherine & Phillip Bullen/Bullen Nominee Trust – after-the-fact authorization for additional length of pier and two seasonal bottom-anchored floats constructed by previous owner

Continued from 12/4/18 to 5/14/19

DEP File #39-0724

The applicant requested a continuance.

Vote: To continue this matter to the next meeting on 6/4/19.

Motion: Mr. Gang
Second: Mr. Jaworski
Actual Vote: 5-0

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

V. Request for Determination of Applicability

8 Plum Hill (map 10, lots 1& 2), Donna Harvey Revocable Trust – installation of a septic system, a portion of which is within the 100' buffer to Bordering Vegetated Wetland

New

2019-0006

Brian Harvey, homeowner, presented. This project is a septic system installation. This property has a new house built on it. There was a septic design by Hancock Associates in place when he bought the land. Part of the 3-1 slope for the leach field is in the 100' setback. A silt fence and mulch berm are already in place. No new trees will be removed. The slope will be loamed and seeded. The Board of Health has signed off on the project.

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

Motion: Mr. Gang
Second: Ms. Hayes
Actual Vote: 5-0

63 Raymond Street (map 1, lot 88), Wayne Maggio – extension of an existing 2nd story deck within Land Subject to Coastal Storm Flowage and the 30' buffer to Coastal Bank

New

2019-0007

Michael Carvalho, attorney, in attendance; and Chris Miller, Environmental Engineer presented. Mr. Miller showed the Commission before and after sketches of the project. The deck will be 10' wide and 17.5' long. It will be adjacent and the same grade as the existing deck. The installation will require 3 new sonotubes resulting in approximately 3 sq. feet of new impact. The impacts are the deck, the fact that it is elevated (cantilevered) and therefore shady, the planks of the deck and pilings just outside the 30' NBZ. Mitigation is proposed in back of the existing mitigation and beach grass will be planted.

Vote: To issue a Negative 2 and Negative 3 Determination of Applicability with existing perpetual conditions.

Motion: Mr. Gang

Second: Mr. Oettinger

Actual Vote: 5-0

VI. Notices of Intent

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

Continued from 4/23/19

DEP File #39-0804

Bill Manuell of Wetlands & Land Management presented. The project is paving and extending a driveway. New plans were distributed at the meeting. A site walk had occurred. The driveway bed is already prepared. A low point will be constructed to allow driveway runoff to go to the storm water basin. A stone drain was added for orderly exit of storm water. He will loam and seed along the edges of the driveway where room is available. The limit of work is the proposed paving area. Ms. Bertoni suggests that if the paving goes further than expected the additional storm water should go to the existing detention basin as designed and previously constructed.

Vote: To close the hearing.

Motion: Mr. Gang

Second: Ms. Hayes

Actual Vote: 5-0

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

Continued from 4/23/19

DEP File #39-0803

Mike DeRosa of DeRosa Environmental presented. A site walk occurred. The Board of Health approved the connection to existing septic. He included a substantial Coastal Bank restoration plan. Removal will be done by hand and he would like to start immediately so the plants have a full growing season. Ms. Bertoni feels this should be a straight forward project, notwithstanding apparent ledge on site.

Vote: To close the hearing.

Motion; Mr. Gang

Second: Ms. Hayes

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; Bordering Land Subject to Flooding; and the 100', 50' NBZ, and 30' NDZ Buffers to Bordering Vegetative Wetland

Continued from 3/12/19, 4/2/19 (no discussion), 4/23/19 (no discussion)

DEP File #39-0800

Mr. Gang informed the applicant that after reviewing the latest information he still needed answers to when can the applicant provide a "full-fledged" alternative analysis (required for a waiver) that show plan alternatives with costs and timing sufficient to show the Commission that you can overcome a presumption of adverse impacts?

He feels what has been proposed is insufficient. The second question is if the demolition Phase 1A is approved via a Request for Determination will the applicant be able to consider other locations that will have less impact to the resources or will the current plan be final?

Engineer Steve Martell discussed the alternatives as do nothing (not feasible), just do renovations to existing building (does not meet the needs of the students) and feasibility studies. The current plan meets the standards and pulls work away from the buffer zones. The most recent plans are dated 5/10/19. The demolition plan Phase 1A is critical in timing and construction and they need Conservation Commission approval. For the demolition a construction path will be used on the south side of the building (new). Areas that have existing bituminous are not changing. Erosion controls will be installed around the property. Two temporary sedimentation basins and diversion swales will be installed. There is a small area (currently a walkway) that will need widening so that construction vehicles can drive on it. This area is within the 30' NDZ, approximately 50' in length of stone dust or gravel, and will be new impervious. In response to the question regarding any alternative to the access road on the south side since it will temporarily significantly impact the buffer zone, Johnathan Rich of W.D. Rich Company responds that any other route would impact school traffic and he wants to install the access road only once. Mr. Gang feels that protecting the resource area was a low priority for this project. Avi Urbas, Business Manager for MERSD, informed the Commissioners that there were 14 options in the feasibility study and each had all of the demarcation of the resource areas. Each option was vetted and all resources were considered. This site is very tight and there are no other viable sites. This current option pulls back the most from the resources. Bill Jones, peer reviewer, points out that the impacts at the entrance of 30' NDZ are unavoidable. At this demolition phase the erosion controls can be moved to the limit of the 30' NDZ. The resource areas will be protected. During the demolition phase the construction vehicles could use the entrance at Lincoln Street. The demolition phase should be done during summer break while there are no students. Mr. Martell informed the Commissioners that the plan for the access path is at the end of the process turn it into an ADA path around the building. According to Bill Jones there are two options regarding the demolition phase. The Commission can issue an Order of Conditions with the condition that the applicant come back and amend order before any work is done, or can issue a Determination of Applicability for this Phase 1A and the rest of the project follows the Notice of Intent process. He believes the project can meet the Commission's requirements. Ms. Bertoni clarified for the Commissioners that all demo and erosion controls will be pulled back to the limit of the 30' NDZ. A condition discussed is that access from the south of the building for this phase will be eliminated and erosion controls moved to the 30' NDZ. The temporary basins will not be installed for the first phase.

Vote: To issue a Negative 3 Determination of Applicability with conditions for Phase 1A Demolition.

Motion: Mr. Gang

Second: Ms. Hayes

Actual Vote: 5-0

Mr. Martell continued presenting the rest of the project. He addressed the Bordering Land Subject to Flooding (BLSF) issue. There will be underground infiltration, a rain garden will be planted on the eastern side and there will be substantial additions to pervious areas. There will be disturbance in the 30' NDZ for compensatory storage and slopes. It will remain mostly pervious surfaces. In the 50' NBZ there will be utility works. There will be no permanent above ground structure. There will be an additional 3000-4000 sq. feet of pervious surfaces in the 50' NBZ and an additional 1500 sq. feet of pervious surfaces in the 30' NDZ. There will be 9000 cubic feet of compensatory storage. This plan is a conservative approach and meets the BLSF requirements. There will be 8000 cubic feet of storm water recharge volume. Erosion controls will continue along the project. An Operations and Maintenance Plan will be provided. Ms. Bertoni informs the Commissioners that in the Riverfront area there is some impervious area that will be changed to pervious. The affected area in the 30' NDZ is previously degraded and will be improved at the end of the project. Dan Seline, landscape architect, handed out the list of proposed conservation plantings. He has developed a plan that includes wildlife value and protective buffer for wetland areas. He discussed the installation of lawn and grass areas and native plantings. It is possible to develop over time a project to put in native wildflowers and shrubs in the Friendship Garden area. In the raingarden he will plant an herbaceous seed mix to handle the wet conditions. Mr. Lumsden points out that Winterberry and Inkberry are toxic and wondered if there were any alternatives since these planting will be near children.

Vote: To continue the matter to the next meeting on 6/4/19.

Motion: Ms. Hayes

Second: Mr. Gang

Actual Vote: 5-0

VII. Reconvene Regular Meeting (Mr. Gang)

VIII. Old/New Business

Letter Permits:

Ocean Street: Work Initiation Form from the DPW for milling and paving.

Masconomo Park: Work Initiation Form from the DPW for paving the parking lot.

35 Coolidge Point Road: For a hazardous tree removal.

9 Tuck's Point Road: For a hazardous/dead tree removal by the Coastal Bank. Ben Staples of Iron Tree will do the work. The Letter Permit had not been issued yet. It was ok'd by the Commission.

Properties Available for Conservation Action: Ms. Hayes referenced a list of all properties available that Mary Reilly, grant administrator, identified to the Commission. She would like all Commissioners to select a few that the Commission could act on and to bring in any information to discuss for the 6/4/19 meeting.

Powderhouse Hill Trails– Mr. Gang informed the Commission that 5 people including Boy Scouts cleared a 200 yard trail at Powderhouse Hill. He says signs can now be put in that say Residents Only Past This Point at Newport Park.

Japanese Knotweed: Japanese Knotweed is popping up everywhere. The Knotweed on Summer Street most likely did not come from Supat Landscaping's waste pile. It cannot be eradicated at this point per Michelle Vaillencourt of MECT.

Cricket – The annual subscription to the Cricket has been renewed.

Eelgrass Update – Mr. Oettinger presented. Phil Colarusso, Bion Pike (Harbormaster) and he did a casual survey of Sand Dollar Cove. The plan is to try and collect Eelgrass seeds when they flower at the end of June or early July, put them in porous bags and deposit them in areas that we want Eelgrass to grow. Divers will be used. Ms. Bertoni informed the Commission that Lori MacCausland had sent her a Powerpoint presentation and narrative with Eelgrass updates.

Financial Analysis of Parcels Tagged for Conservation Restriction (CR): The Board of Selectmen have requested a cost benefit and loss of tax revenue for any parcels the Commission identifies for a CR. Ms. Bertoni has been looking around for a model but has not found one yet. She has emailed the Town Administrator for clarification.

IX. Orders of Conditions

1 & 3 King's Way: Commissioners discussed conditions.

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

Motion: Mr. Jaworski

Second: Mr. Oettinger

Actual Vote: 5-0

1 Eaglehead Road: Commissioners discussed conditions.

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

Motion: Mr. Gang
Second: Ms. Hayes
Actual Vote: 5-0

X. Adjournment:

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

Submitted by,

Eva Palmer

XI.Meeting Documents (5/14):

- Request for De Minimis Change & plan for 50 Proctor Street submitted by Robert Crocker
- RDA – 8 Plum Hill Road for fill extension of leach field submitted by Brian Harvey.
- RDA – 63 Raymond Avenue for a deck extension submitted by Wayne Maggio.
- NOI – 43 Lincoln Street Memorial elementary School Project
- NOI – 1 & 3 Kings Way for driveway extension – revised plan
- NOI – 1 Eaglehead Road for addition and restoration
- Stormwater Management Narrative & updated plans for 43 Lincoln Street submitted by Samiotes Consultants, Inc.