



MANCHESTER-BY-THE-SEA

CONSERVATION COMMISSION • TOWN HALL
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Conservation Commission Meeting

July 23, 2019

Town Hall, Room 5 ♦ 6:30 PM

MINUTES

I. Call to Order

Members Present: Steve Gang, Sari Oseasohn, David Lumsden, Olga Hayes, 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 De Minimis Change

11 Tuck's Point Road, Washington Fine Properties – raze and rebuild a single family home within the 100', 50' NBZ, and 30' NDZ buffers to Coastal Bank

New

DEP File #39-0783

Mike DeRosa of DeRosa Environmental presented. Jeff Lawler, builder and Marco Curran, sub-contractor were in attendance. An Order of Conditions was previously issued and is currently in effect. There are three items associated with the De Minimis Change. They would like to enlarge the pool add a hot tub all within the patio space (already permitted), and add two impervious concrete pads for the pool equipment and the A/C units. One pad will be in the 30-50' buffer (approximately 29 sq. feet) and the other directly adjacent. Overall the project still has 872' of total impervious area. There is also 900 sq. feet of restoration on the Coastal Bank. They had to do more hammering than expected to get to depth of the pool. The pool is self-supporting. During ledge hammering a piece of the retaining wall came down. It has been replaced. The site is stable everywhere else. Ms. Bertoni did a site visit and reported no surface cracks from the hammering could be seen. The oak tree that was a Conservation Commission concern is alive and well. Mr. Lumsden wanted to make a point of discussion his concern about deep digging along the buffer Coastal Bank that this may be a cause of concern in the future.

Vote: To grant a De Minimis Change.

Motion: Mr. Gang

Second: Ms. Oseasohn

Actual Vote: 6-0

III. Requests for Certificates of Compliance

1 Eaglehead Road, Proud Eagle Realty Trust – raze existing house within 100' buffer to Coastal Bank

New

DEP File #39-442

Mike DeRosa of DeRosa Environmental Consulting presented. An Order of Conditions was issued in 2003 and has expired. The work on the septic upgrade was not done until 2007 due to sorting out septic issues. The demolition was done. The garage was built (outside buffer). There is a gravel parking area that is 245' inside

the 100' buffer and a portion of the greenhouse that is 42 square feet was constructed in the 100' buffer. He does not see any adverse impact. 3,300' of restoration plan plantings is proposed for the current project which he feels is of adequate size to mitigate for this intrusion. Ms. Bertoni did a site visit and shared photos with the Commissioners. Mr. Gang suggests possible mitigation for future projects on the Coastal Bank such as participation in a fund to improve/revegetate the harbor or mitigation for the public good. Mr. DeRosa also suggests a living shoreline.

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

Motion: Mr. Gang

Second: Mr. Lumsden

Actual Vote: 6-0

IV. Requests for Extensions

1 Smith's Point Road, Gray Baldwin & Santo Politi – reconstruct an existing accessory building, rehab tennis courts, install new septic, and remove invasive plants within 100', 50' NBZ, 30' NDZ buffer to Coastal Beach

New

DEP File #39-0713

Lolly Gibson, Landscape Designer, presented. She handed out a summary of what has been accomplished. All work was completed by 6/1/19 the delay is due to not being able to begin project until everything was lined up with other Town boards. Next year when she comes in for the Certificate of Compliance she will ask for an ongoing order to manage the invasives.

Vote: To extend the Order of Conditions for 1 year to cover the required 2 growing seasons under state and local bylaws.

Motion: Mr. Gang

Second: Mr. Lumsden

Actual Vote: 6-0

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

VI. Notices of Intent

72 Harbor Street, Lisa & Christopher Collins – rebuild wood stairs and fence; renovate existing terrace garden; install generator; and landscaping improvements within the 30' NDZ, 50' NBZ, and 100' Buffer to Coastal Bank

New

DEP File #39-0810

Lolly Gibson, landscape designer, presented. This project is about maintenance. She proposes to rebuild the wood stairs that are 25 years old. In the Coastal Bank and 30' NDZ landscaping is proposed. There is a diseased apple trees that needs to be removed and inkberry will be planted. In the 30-50' Buffer the project proposes to add a pollinator garden where there is already a garden. In the 50-100' Buffer a generator is proposed that is currently inside the house and building code requires that it be outside the house. It will be located in a stable shady area. The concrete pad will be approximately 12-15 square feet of impervious area. She will relocate some of the existing landscape plantings that are not thriving to the front of the house where they will do better. In front of the house she would like to remove 5 burning bush and add ornamental plants in the breezeway.

Vote: To close the hearing.

Motion: Mr. Gang

Second: Ms. Hayes

Actual Vote: 6-0

VII. Reconvene Regular Meeting (Mr. Gang)

VIII. Old/New Business

10 Brookwood Avenue violation: Mike DeRosa of DeRosa Environmental presented. The homeowner, Joyce Tadler was present as was Michael Byrne of the Patio Company. Ms. Bertoni received a call from the homeowner in regard to unintended tree removal on the property due to a miscommunication. Ms. Bertoni did a site visit. A very large tree was cut and pieces and branches left in place and a few others along an intermittent stream and Bordering Vegetated Wetland (BVW). Steven Cutler is the landscaper and Ms. Bertoni issued a Cease and Desist Order to all parties. It is an open area adjacent to a wooded area and there is a lot of canopy. There are piles of wood chips that Mr. DeRosa proposes to spread thinly on the forest floor for microhabitat. The cut logs will also make a great habitat for insects and larger animals and he proposes to move them to different locations in the forest to rot in place. Some trees fell into other trees and they would be taken down and cut into lengths and laid down in the forest. For the understory he proposes planting Oak Sedge and Red Fescue for habitat and to stabilize the stream bank. He will need to use a mini excavator. This is a restoration plan to put the area back into order. Ms. Bertoni will issue a friendly Enforcement Order and suggests monumenting the buffer to the BVW since the home is for sale and new owners should be aware of the wetland resources.

Vote: To issue an Enforcement Order.

Motion: Mr. Gang

Second: Ms. Oseasohn

Actual Vote: 6-0

Surf Village: The final draft of the Conservation Restriction (CR) was circulated and it incorporates all the changes but the map needs to be clearer. It needs assessor's directional lines. The Commission cannot vote on the CR at this time but can review the language and be ready for the next time.

Letter Permits Issued:

2 Peel House Square: To remove two dead/dying Birch trees and plant two new Birch trees.

34 Masconomo Street: For repairs to existing stone steps (grouting).

48 Central Street: To extend the first floor 9' out on same footprint. This project is a single family conversion.

Emergency Certification:

Harbor Loop: During work on the Harbor Loop Sewer a pipe broke and there was a sewer leak. The DPW needs to order a new pipe. They are moving along with the rest of the route. The Emergency Certification includes the whole route in case there is another issue.

Atwater Avenue: For fencing due to beaver issues.

10 Knight Circle: There is a shed that the homeowner would like moved so a Request for Determination of Applicability may be forthcoming. The proposed plan is to demolish the shed and rebuild in a location further from Saw Mill Brook. The shed will stay the same size.

Expenditure: The Town has asked that the Commission transfer funds from the Wetlands Protection Act (WPA) Fund to be put into the Town's General Fund to offset Conservation Commission salaries for enforcement of the Wetlands Protection Act. The request is for \$5,000 for FY19 and \$5,000 for FY20 for a total of \$10,000.

Vote: To approve the transfer of \$10,000 from the WPA Fund to the Town's General Fund.

Motion: Mr. Lumsden

Second: Mr. Gang

Actual Vote: 6-0

Eelgrass: Commissioner Henry Oettinger presented. On 7/16/19 Phil Colarusso, three divers, and the Harbormaster left from the Town dock and harvested 6 mesh bags of Eelgrass shoots with seeds inside. They were dropped in other areas of the harbor with buoys to identify their location. The team will go back in October to check the progress and reclaim the weights and bags. He would like to write an article about this process for the Cricket. Ms. Bertoni informs the Commissioners that the Harbormaster has offered to take the Commission out on the boats to see where the bags were dropped and look at the buoys.

Adele Ervin Memorial Bench: Mr. Gang informed the Commission that there was an article on 7/21/19 in the Gloucester Times about the Adele Ervin Memorial Bench.

46 Lincoln Street: Ms. Bertoni handed out new information regarding the Elementary School. They are requesting a De Minimis Change. A scoreboard for the athletic field had been removed and they would like to re-install it. She suggests the Commission hold off until they receive more information. The school has requested another De Minimis Change to move the ramp 3 ½ feet to the west, closer to the wetland buffer but still within the emergency access road. Therefore there will be no retaining wall. Ms. Bertoni will ask for more information. She informs the Commissioners that all erosion controls and perimeter fencing is holding up well.

0 Magnolia Avenue: This is the property that the House of Seven Gables gave to the Town. It needs to be accepted by at least four Commissioners. Ms. Oseasohn will bring this before the Town Clerk to be notarized.

IX. Orders of Conditions

72 Harbor Street – Commissioners discussed conditions.

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

Motion: Mr. Gang

Second: Ms. Hayes

Actual Vote: 6-0

X. Minutes - none

XI. Adjournment:

There being no further business, a motion was made by Ms. Oseasohn to adjourn the meeting at 8:20 pm. This motion was seconded by Mr. Oettinger and voted in favor 6-0.

Submitted by,

Eva Palmer

XII. Meeting Documents (7/23):

- NOI – 72 Harbor Street for landscaping submitted by Lisa & Christopher Collins.
- De Minimis Change – 11 Tuck's Point Road for larger pool, hot tub and 2 concrete pads submitted by Washington Fine Properties.
- Request for Extension – 1 Smith's Point Road for 1 year for 2 growing seasons for landscaping submitted by Gray Baldwin & Santo Politti
- CoC Request – 1 Eaglehead Road to raze existing house within 100' buffer to Coastal Bank submitted by Proud Eagle Realty Trust.