



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 September 3, 2019 Town Hall, Room 5 ♦ 6:30 PM

MINUTES

I. Call to Order

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

Members Absent: Olga Hayes, 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. Requests for De Minimis Change

43 Lincoln Street, Avi Urbas – Memorial Elementary School – choice of Water Quality Units to be installed

New

DEP File #39-0800

Chris Bertoni presented for the applicant. The Commission allowed the applicant to choose the specific type of water quality unit. The applicant has chosen the Water Quality Units for the school. The peer reviewer has approved the choice and submitted a letter stating so. The revised plan incorporates the Water Quality Units. She also received the revised Operations and Maintenance Plan.

Vote: To grant a De Minimis Change.

Motion: Mr. Gang

Second: Ms. Oseasohn

Actual Vote: 5-0

III. Requests for Certificates of Compliance

9 Tuck's Point Road, Jeff Kaneb – installation of float, gangway and cement landing within Land Under Ocean

New

DEP File #39-0732

Curt Young of Wetlands Preservation Inc. presented. At the last meeting he was granted a De Minimis Change for the anchoring system on the float. This change has been implemented and he received an engineer certification from GZA. Ms. Bertoni did a site visit on 8/28/19 and shared photos. She walked the access path and the vegetation looks healthy (not part of this order). She walked to the gangway. It appears to be installed properly and the landing is stable. The float is resting on its skids, it will take some time for the pyramid anchors to sink in and cover the chain. She did not see any issues.

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

Motion: Ms. Oseasohn

Second: Mr. Lumsden

Actual Vote: 5-0

117 Beach Street, Singing Beach Club – addition within the 100’ Buffer to Coastal Bank
New **DEP File #39-0790**

Per Ms. Bertoni the applicant requested a continuance until the next meeting. Ms. Bertoni did a site visit and everything looked stable. The Commission currently has the architectural plans and is waiting on a final site plan with the new deck arrangement.

Vote: To continue the matter to the next meeting on 9/24/19.

Motion: Mr. Gang

Second: Mr. Oettinger

Actual Vote: 5-0

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

V. Requests for Determination of Applicability

6 Putnam Court, Fletcher Boyle – repairs or replacement to an existing retaining wall on Inland Bank and within Riverfront
New **2019-0016**

Homeowner Fletcher Boyle presented. The project is a repair or replacement of part of a failing retaining wall next to the Brook. The retaining wall is approximately 50 years old and is 100’ long, 30-35’ of which has deteriorated and needs to be repaired or replaced. The plan is to excavate the area where there are currently mitigation plantings along the wall using a small excavator or backhoe. Once the area is excavated the decision will be made as to how to strengthen the wall. The part of the wall that is leaning into the Brook will be removed after a new wall is built behind it using forms for concrete pavers. The height will be the same as the rest of the wall. Afterwards all plantings will be replanted. The work will be done by Pallazola Brothers. Mr. Lumsden suggests pinning the wall to the bank and that expertise from an engineer would be helpful. Mr. Gang also suggests an engineered plan since the current plan may not fix the underlying problem. He feels a Notice of Intent may be in order since the resource is clearly affected. Ms. Oseasohn would like to see a drawing to understand better what is going to happen. Ms. Bertoni also recommends a Notice of Intent due to the encroachment on the stream bed. The Commissioners decide on a site visit to happen on Friday 9/6/19 at 4:30 pm.

Vote: To continue the matter to the next meeting on 9/24/19.

Motion: Mr. Gang

Second: Mr. Lumsden

Actual Vote: 5-0

VI. Requests to Amend an Order of Conditions

1 Eaglehead Road, Proud Eagle Realty Trust – to allow for controlled blasting to take place in a limited portion of the site within the 100’ Buffer to Coastal Bank
New **DEP File #39-0803**

Mike DeRosa of DeRosa Environmental presented. Jeff Gilson, property manager, was in attendance. An Order of Conditions was issued for reworking of a stone building. The work has started as well as restoration elements. The pump station has hit ledge and they have excavated as much as possible but it is not deep enough. The pump station cannot be designed to be shallower due to the gravity feed from the building to septic system. The blasting plan is to have microsecond delays that will make small charges that happen sequentially to reduce the impact to rest of the ledge. The area to be blasted is the size of the pump chamber.

Metal jute mats will be placed on top. The work is outside the 50' NBZ, in the outer 100' Buffer. Monitors and seismographs will be there and members of the Fire Department will be monitoring them. Ms. Bertoni did a site visit and shared photos. The man doing the blasting (Mr. Akerley) is highly recommended and has been doing this work for 30 years. He feels this is a minor project. The stone will be dug with an excavator and taken offsite. A decent access road has already been constructed and the erosion controls are good. A dumpster will be needed onsite for the cottage. It was discovered that the floor joists are rotted and the flooring needs to be replaced. Harris Komishane at 5 Eaglehead Road was concerned about the noise impact and duration since his wife works from home. Abutters will be notified that a blast permit has been obtained and the Fire Department will have specifics as to when the blasting will happen. The process for the blasting was given to his wife Lauren. Ms. Bertoni informed them that the fire department monitors seismographs at the site and at the closest house.

Vote: To issue an Amendment to the Order of Conditions with conditions.

Motion: Mr. Gang

Second: Mr. Oettinger

Actual Vote: 5-0

VII. Notices of Intent

10 Old Wenham Way, Michael Corsetti – improvements to an existing private roadway (paving & widening alignment from 16' to 22', and improving drainage systems) within Bordering Vegetated Wetland; in the 30' NDZ, 50' NBZ, and 100' Buffers to Bordering Vegetated Wetland

Continued without discussion from 8/13/19 to 9/3/19

DEP File #39-0811

Michael Corsetti homeowner presented. The existing driveway is 16-20', he would like to widen it to 20-22' and pave it from Crooked Lane to Walker Road. He would like the road wide enough for passing cars. Since the initial filing there was a reduction in scope filed today. He is removing from consideration the first 400' from Crooked Lane because it is located on a common driveway and the neighbor had concerns. The common driveway, part of which is on Mr. Corsetti's land, is paved which may be unpermitted. Ms. Bertoni will do more research to see if that is true. Ms. Bertoni's concern is that there is no proper delineation of wetlands. Mr. Gang informs the applicant that the Commission needs to know where the wetlands, streams, and vernal pools are to understand any impacts to the resource. Ms. Bertoni did a site visit and informs the applicant that the Commission needs a stamped plan which Mr. Corsetti will provide. The driveway is currently a gravel driveway. The portion going up to the house will remain gravel due to its steep grade. Marne Malloy at 23 Walker Road asks about an old agreement (the Woodpact Agreement) associated with 4 Old Wenham Way that stated the driveway could not be paved. She is also concerned with water runoff and how it will affect Walker Road. Mr. Makowski of 3 & 5 Walker Road had several concerns. First there is a sewer line that runs through Mr. Corsetti's property onto Walker Road and what changes may be made and he is concerned with flooding if the driveway is paved. He is also concerned with increased traffic if the property is subdivided and additional houses go in as well as changes made to open the driveway onto Walker Road. Ms. Bertoni informed him that there will be storm water protocols. John Carlson of 9 Walker Road has concerns with any future development of the property which would increase traffic and impact conservation areas such as vernal ponds. The applicant currently has mitigated tax due to not developing land. Ms. Bertoni also read into the record and email from Page Gentleman of 3 Rockwood Heights and her concerns. The Commissioners would like a site visit once the wetlands have been flagged.

Vote: To continue the matter to the next meeting on 9/24/19.

Motion: Mr. Jaworski

Second: Mr. Oettinger

Actual Vote: 5-0

VIII. Reconvene Regular Meeting (Mr. Gang)

IX. Old/New Business

Fall Town Meeting Warrant: Ms. Bertoni informed the Commissioners that there may not be a fall meeting. There are 3 parcels the Commission has already identified in the Western Woods to bring under a Conservation Restriction. There is another parcel (12 acres) that may become available in the same area that the Conservation Commission may be able to use CPC funds to purchase. The Master Plan is in favor of conserving Western Woods. The Board of Selectmen need a more complete picture of what is going on in the Western Woods therefore a steering committee has been created.

3 Ledgewood Circle: Dr. Ina discussed briefly the need to remove 4 trees from his property. He shared photos. He will contact Ms. Bertoni to proceed.

Marine Facility: Mr. Oettinger has not received any information yet.

Surf Village: We are still waiting on final As-Built Plan. Ms. Oseasohn points out some language that needs to be changed that states the Conservation Commission should be responsible for maintaining the Conservation Restriction. She does not believe it is the Conservation's responsibility to maintain this. She feels the Commission should not agree to a Conservation Restriction without careful review of it.

Election of Officers: Mr. Gang is nominated for Chairperson of the Conservation Commission and he accepts. Mr. Jaworski is nominated for Vice-Chairperson of the Conservation Commission and he accepts.

Vote: To accept the nomination of Mr. Gang for Chairperson of the Conservation Commission.

Motion: Mr. Jaworski

Second: Ms. Oseasohn

Actual Vote: 5-0

Vote: To accept the nomination of Mr. Jaworski for Vice-Chairperson of the Conservation Commission.

Motion: Mr. Gang

Second: Ms. Oseasohn

Actual Vote: 5-0

X. Minutes

5/14/19, 6/4/19, 6/25/19 & 7/23/19 – Ms. Oseasohn handed grammatical corrections to Ms. Bertoni of all minutes.

Vote: To accept the 5/14/19, 6/4/19, 6/25/19 & 7/23/19 minutes as corrected.

Motion: Mr. Gang

Second: Mr. Jaworski

Actual Vote: 5-0

XI. Adjournment:

There being no further business, a motion was made by Ms. Oseasohn to adjourn the meeting at 8:15 pm. This motion was seconded by Mr. Jaworski and voted in favor 5-0.

Submitted by,

Eva Palmer

XII. Meeting Documents (9/3):

- Request for De Minimis Change and proposed Stormwater Treatment Unit – 43 Lincoln Street for decision on Stormwater Treatment Unit submitted by MERSD and Linden Engineering.

- CoC – 9 Tuck’s Point Road for installation of float, concrete and concrete landing submitted by Jeffrey Kaneb.
- CoC – 117 Beach Street for addition within the 100’ Buffer submitted by Singing Beach Club.
- RDA – 6 Putnam Court for repairs or replacement of retaining wall submitted by Fletcher Boyle.
- Amendment of OOC – 1 Eaglehead Road for controlled blasting submitted by Proud Eagle Realty Trust.
- NOI – 10 Old Wenham Way for reduction of scope in roadway improvements submitted by Michael Corsetti
- Email re: concerns on work at 10 Old Wenham Way submitted by Page Gentleman 3 Rockwood Heights.