



# 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

January 18, 2022

Zoom virtual meeting ♦ 6:30 PM

## MINUTES

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### I. Call to Order

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

**Members Absent:** None

Conservation Commission chairman Mr. Gang opened the meeting at 6:32 pm under the Wetlands Protection Act and Town by-law. He announced that it was being recorded by the Commission and read the protocols for remote meetings.

The Board of Selectman (BOS) requested names for the Water Resources Task Force for the BOS meeting that would take place later that evening.

**Vote:** To nominate Steve Gang, Ashley Ochs, and David Lumsden to the Water Resources Task Force.

Motion: Mr. Gang

Second: Ms. Oseasohn

Actual Vote: 7-0

### II. Request for Certificates of Compliance

**1 & 3 Eaglehead Road, Jeffrey Gilson – removal of an existing gangway and construction of new, longer gangway within the 30' No Disturb Zone Buffer to Coastal Bank, Coastal Bank, and land Subject to Coastal Storm Flowage**

New

DEP File #39-0828

Evin Guvendiren of DeRosa Environmental Consulting, Inc. presented. The As-Built Plan was submitted, and all work was done in accordance with the approved plan, except the removable steps on the bottom landing were not constructed. A final inspection site walk was done with Ms. Bertoni. The area is stable and the old gangway was removed. The perpetual condition governing the seasonal removal of the steps was removed by the Commission as no longer applicable. A new NOI would be required if the applicant wished to install the steps.

**Vote:** To issue a Certificate of Compliance with 3 perpetual conditions.

Motion: Dr. Oettinger

Second: Mr. Judge

Actual Vote: 7-0

**1 Eaglehead Road, Proud Eagle Realty Trust – proposed addition to a single-family home within 100', 50' No Build Zone and 300' No Disturb Zone Buffers to Coastal Bank**

New

DEP File #39-0803

Evin Guvendiren of DeRosa Environmental Consulting, Inc. presented. Work was done in accordance with the approved plan. A letter was submitted by Hancock Associates. The restoration plan was monitored for two growing seasons and monitoring reports were submitted. The site is completely stabilized. Ms. Bertoni did a final site visit, and the site is stable, and trees and plants appear to be thriving; red fescue grass is a good stabilizer for exposed, sunny conditions. Heritage beech trees were not damaged during construction access and are thriving.

**Vote:** To issue a Certificate of Compliance with 5 perpetual conditions.

Motion: Mr. Gang

Second: Dr. Hayes

Actual Vote: 7-0

**23 Masconomo Street, Emily McPhearson – removal of septic system within 30’ of Bordering Vegetative Wetland (BVW) and installation of new septic system outside the 100’ Buffer to BVW**

New **DEP File #39-487**

Emily McPhearson, homeowner, presented. The septic system was installed in 2009 and has been in use. As-built plans were provided. The engineer letter regarding the leach field abandonment was filed with BOH. In 2014 a letter permit was issued for construction of a garage outside the 100’ Buffer. Ms. Bertoni did a final site inspection and found the site to be stable.

**Vote:** To issue a Certificate of Compliance with 3 perpetual conditions.

Motion: Ms. Oseasohn

Second: Dr. Oettinger

Actual Vote: 7-0

**III. Recess for Public Hearings under Wetlands Protection Act and Local Wetlands By-Law**

**IV. Requests for Determination of Applicability**

**Downtown Manchester Public Street/Rights-of-Way (portions of Elm Street, Central Street, School Street, Union Street and Church Street), Jamie Walker, Massachusetts Electric Company (MECO) – to remove and replace existing underground cable, and also install new underground cable for the Manchester Police Station and Town Hall within Land Subject to Coastal Storm Flowage; 100’, 50’ No Build Zone, and 30’ No Disturb Zone Buffers to Coastal Bank and Salt Marsh**

New **2022-0001**

Kelan Koncewicz of VHB presented. The project is a cable replacement with new work on Church Street. The trenching will be 2-3’ deep and 1-2’ wide. It will be back filled the same day. The cable is being replaced to make necessary changes in the area with electrical distribution. All work will be underground and within paved surfaces or adjacent rights-of-way. There will be no change in grade or change to the resource. There will be erosion controls, filter fabric on the catch basins, dewatering is not anticipated but contractors will be prepared if needed and there will be no overnight stockpiling.

**Vote:** To issue a Negative 2 and Negative 3 Determination of Applicability with adopting the proposed mitigation measures included in the RDA and agent notification when work will commence.

Motion: Mr. Gang

Second: Dr. Hayes

Actual Vote: 7-0

**0 Beach Street, Bion Pike, Town of Manchester Harbormaster – to perform water-based soil borings to determine the existing geotechnical properties within Land Under Ocean and Land containing Shellfish (Shellfish Suitability Area)**

New **2022-0002**

Jeremy Packard of Foth presented. A proposed project to install additional floating docks so the commercial fishing fleet can be moved off moorings will come before the Commission later in the year. This RDA is for three water-based soil borings with a maximum depth of 50' to establish the geotechnical properties for designing pile installation. All work will be done from a barge. The project will take approximately three days. Ms. Bertoni informed the Commissioners that the Dept. of Marine Fisheries had no issues with the borings but is interested in observing the action. Ms. Bertoni requested to be notified in advance of start of work.

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

Motion: Dr. Oettinger

Second: Dr. Hayes

Actual Vote: 7-0

## **V. Notices of Intent**

### **189-193 School Street, Alden Drake, Cornerstone Church – for construction of a church building and a future accessory building with associated parking, sidewalks, drainage system and landscaping with Riverfront Area Resource and 100' Buffer to Bordering Vegetated Wetland**

Continued from 10/12/21, 11/2/21, 12/14/21 (no discussion)

**DEP File #39-0861**

The applicant had requested a continuance to the next meeting.

**Vote:** To continue the matter to the 2/15/22 meeting.

Motion: Mr. Gang

Second: Dr. Oettinger

Actual Vote: 7-0

### **17 Proctor Street, Kevin Potter, Trustees of the KSPS Family Trust – Raze and rebuild a single-family structure and add a swimming pool within the 100' Buffer to Bordering Vegetative Wetland (Salt Marsh)**

Continued from 11/23/21, 12/14/21

**DEP File #39-0864**

Mike DeRosa of DeRosa Environmental Consulting, Inc. presented. Evin Guvendiren, Brian Stein, Dan Ottenheimer and Kevin Potter were in attendance. The revised plan (dated 12/9/21) removed 430 sf of proposed impervious surface out of the 100' Buffer. A revised plan, detail of revised pool terrace section, revised alternative analysis, architectural details, and revised cut and fill assessment were submitted. Part of the pool and stone terrace and planting bed were removed. Steppingstones were added to get down the grade. The planting plan was updated. Mr. Gang did a straw poll amongst the Commissioners to see where they stood on the hearing: 5 were leaning towards denial, 1 was leaning towards approval and 1 had no comment. Dr. Hayes would like less concrete and fill out of the Buffer. She suggested that the pool could be dropped down with steps going to it resulting in less fill. Mr. Lumsden also had issues with the amount of concrete and fill in the Buffer. Mr. Gang thought the project was too big for the resource area and needed a more creative alternative. He was not convinced this was essential impact. Mr. DeRosa pointed out that the house and garage construction were outside the Buffer and the only structure in the Buffer were the pool and retaining wall which are outside the 30' and 50' Buffers. In his opinion there would be no adverse impact. Mr. Stein pointed out that the fill would be crushed stone to help with drainage. Ms. Bertoni also mentioned the grading to take place within the Buffer, and the pool equipment shed. Mr. DeRosa said the team would like another chance at redesigning the project. The Commissioners were open to that idea.

**Vote:** To continue the matter to the 2/15/22 meeting.

Motion: Mr. Gang

Second: Dr. Hayes

Actual Vote: 5-1 1 abstained

**371 Summer Street, O'Neil Fine Builders Corporation – demolition and reconstruction of a single-family dwelling within the 100' Buffer to Bordering Vegetated Wetland and Intermittent Stream**

Continued from 12/14/21

DEP File #39-0867

Devon Morse of Hancock Associates presented. Deb Colbert, project manager, in attendance. A site walk occurred on 12/17/21 where many questions were answered. No revisions were made to the plan. The paved driveway and existing easement will be used for construction vehicles. The studio and shed will be removed and the area used for stockpiling. Trenching will be closed at the end of each day.

**Vote:** To close the hearing.

Motion: Ms. Oseasohn

Second: Dr. Oettinger

Actual Vote: 6-0 1 abstained

**2 Boardman Avenue, 2 Boardman Avenue LLC – for installation of a timber pier, seasonal gangway & float, retaining wall, and granite steps within Land Subject to Coastal Storm Flowage, Coastal Bank, Rocky Intertidal Shore, Land Under Ocean, and 100', 50' No Build Zone, and 30' No Disturb Zone Buffers to these resources**

New

DEP File #39-0XXX

Susan St. Pierre presented. Lucas Taylor of GZA and Michelle Crowley, landscape architect, were in attendance. The entire project is within Conservation Commission jurisdiction. There is eelgrass in the area and blue mussel habitat. The pier will be 50' L X 4' W, the gangway will be 45' L X 3' W and the float will be 16' X 24'. There will be concrete bases for the piles. There will be repairs to the existing wall and an addition of a 35' retaining wall and granite steppers and stairs. Ms. Crowley added that the steppers would be oversized granite blocks and that steps would be added down to the pier. The repair of the existing wall will be to match existing grades behind it. The existing plants will be relocated. The addition of a low retaining wall is due to the area eroding and to make it a more level area for walking about. A split rail fence will be extended along the retaining wall. Mr. Taylor pointed out that this would be a seasonal gangway and float. All permanent structures are above mean high water. There will be four anchors, three will be chained to the ledge and one will be a helical anchor in the eelgrass area. This design is typical for seasonal float anchor design. The boat will use the float for short term mooring. Some Commissioners were concerned with the anchor being in eelgrass and other impacts. The Commissioners requested a site visit, and one was scheduled for Monday 1/24/22 at 11:00 a.m.

**Vote:** To continue the matter to the 2/15/22 meeting.

Motion: Mr. Gang

Second: Mr. Judge

Actual Vote: 7-0

**VI. Reconvene Regular Meeting**

**VII. New/Other Business**

**Quick Reference Guide:** Mr. Gang applauded Ms. Oseasohn and Dr. Hayes for their work on producing the Conservation Commission Quick Reference Guide.

**Water Resource Protection Task Force:** Mr. Gang informed the Commission that at the Board of Selectman's meeting they were going to interview four citizen candidates for the six at-large members for this Task Force. A kick-off meeting for the Task Force will not be held until all seats are filled. There are many questions about water security that need to be addressed.

**CPC Funding:** Mr. Gang pointed out that CPC funding for the Preservation of Conservation Land Plan was issued 2+ years ago. Ms. Bertoni informed the Commissioners that these funds could be used to hire a

consultant to do Land Management Plans for Town-owned conservation land those that that have Conservation Restrictions. Moving forward it could be used for data collection. Mr. Gang suggested 2 parcels on the north side of Shingle Hill.

**0 School Street:** Mr. Gang reminded the Commission that the ZBA has asked for help regarding the conservation area of this proposed project. He asked for additional help to review three proposals from peer reviewers. He drafted a letter outlining two things: an analysis of the waivers and a list of information that is the minimum to allow a peer reviewer to do a serious job of assessing immediate and cumulative impact on protect wetland resources. The abutting properties should also be looked at. Mr. Judge thinks a list of prepared questions would be helpful to provide to other committees to ask in hearings with developers. The leaching field was another concern.

**Open Space Plan:** The 2021 plan was submitted to the State for approval. The OSRC members have compiled a great list of all parcels.

**Pollinator Plots:** Ms. Bertoni signed the application for a CPC-funded project to add another pollinator plot in Town similar to the one installed at the Lincoln Street Well. A short list of potential locations was circulated. Ms. Oseasohn offered to serve as liaison for the Conservation Commission and work with the DPW to find areas to stop mowing and sow pollinator plants.

**Hybrid vs. Virtual Meetings:** Ms. Bertoni informed the Commission that the equipment is set up to enable hybrid meetings. The Commissioners preferred to remain virtual at the current time.

**Letter Permits:**

**Sweeney Park** – test pits and borings.

**Old School Street** – pending. Town needs clarification on how to maintain a roadway that may have been abandoned.

**Expenditure:** For reimbursement to Ms. Oseasohn for supplies purchased for the 2022 Quick Reference Guide.

**Vote:** To approve the expenditure of \$186 to cover supplies for the Quick Reference Guide.

Motion: Mr. Lumsden

Second: Mr. Gang

Actual Vote: 7-0

**38 School Street:** Ms. Bertoni mailed a certified letter and issued an Enforcement Order. No response yet from the homeowner.

**VIII. Orders of Conditions**

**371 Summer Street:** Commissioners discussed conditions.

**Vote:** To issue an Order of Conditions with standard conditions and 6 special conditions.

Motion: Mr. Gang

Second: Ms. Oseasohn

Actual Vote: 7-0

**IX. Approval of Minutes**

**Minutes of 10/12/21:** Commissioners discussed edits.

**Vote:** To approve minutes as amended.

Motion: Mr. Gang

Second: Ms. Oseasohn  
Actual Vote: Unanimous Consent

**Minutes of 11/2/21:** Commissioners found no errors.

**Vote:** To approve minutes as written.

Motion: Mr. Lumsden

Second: Ms. Oseasohn

Actual Vote: Unanimous Consent

**X. Adjournment**

There being no further business, a motion was made by Dr. Oettinger to adjourn the meeting at 8:50 pm. This motion was seconded by Ms. Oseasohn and voted in favor by unanimous consent.

Submitted by,

Eva Palmer

**XI. Meeting Documents**

- Request for Certificate of Compliance – 1 Eaglehead Road, DEP File #39-0803, submitted by Proud Eagle Realty Trust.
- Request for Certificate of Compliance – 1 & 3 Eaglehead Road, DEP File #39-0828, submitted by Jeffrey Gilson
- Request for Certificate of Compliance – 23 Masconomo Street, DEP File #39-0487 submitted by Emily McPhearson.
- Request for Determination of Applicability – Downtown Manchester Public Streets, 2022-0001, submitted by Jamie Walker, Massachusetts Electric Company.
- Request for Determination of Applicability – 0 Beach Street, 2022-0002, submitted by Bion Pike, Town of Manchester Harbormaster.
- Notice of Intent – 189-193 School Street, DEP File #39-0861, submitted by Alden Drake, Cornerstone Church.
- Notice of Intent – 17 Proctor Street, DEP File #39-0864, submitted by Kevin Potter, Trustees of the KSPS Family Trust.
- Notice of Intent – 371 Summer Street, DEP File #39-0867, submitted by O’Neil Fine Builders Corporation.
- Notice of Intent – 2 Boardman Avenue, DEP File #39-0XXX, submitted by Boardman Avenue LLC.