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## **Manchester-By-The-Sea ~ Minutes of the Conservation Committee**

**February 24, 2026, 6:30pm**

**Members Present Online:** Chair Gang, Dr. Henry Oettinger, Jim Hoffmann, Dr. Olga Hayes, Dr. Gordon Turner, David Lumsden

**Staff Present Online:** Bethany Barstow, Conservation Agent

### **Call to Order/Welcome**

Vice Chair Henry Oettinger called the February 24, 2026 Conservation Commission meeting to order at 6:30 PM, noting the commission was working under the auspices of the Wetlands Protection Act and local bylaws. He conducted a roll call from Commissioners present: Dr. Hayes, Mr. Hoffman, Mr. Lumsden, Dr. Turner, and Chair Gang. Dr. Oettinger proposed a slight change to the agenda order to handle the shorter cases (items 3 and 4) before the more complex case 2, which was accepted without objection.

### **1.) Continued Notice of Intent: MassDEP #039-0937, 44 Norwood Ave**

The applicant had requested a continuation for this case.

*Motion by Dr. Hayes to continue the case to March 17, 2026. Seconded by Chair Gang. The motion passed unanimously on a roll call vote.*

### **3.) Request for a Certificate of Compliance: MassDEP #39-918, 11 Magnolia Avenue**

Ms. Barstow confirmed that all requested materials had been received from Mr. Gilbert, including the original order of conditions. The shed was built according to the approved plan with no changes. Commissioners confirmed there were no perpetual conditions beyond standard state conditions regarding storage of chemicals and hazardous waste.

*Motion by Dr. Hayes to issue a certificate of compliance for MassDEP #39-918. Seconded by Dr. Turner. The motion passed unanimously on a roll call vote.*

### **4.) Request for a 1 Year Extension: MassDEP #39-0885, 2 Harold Street**

This request from Wrecking Crew LLC sought a one-year extension to allow for an extra season of growing for the planting plan. No representative of the applicant was present, but the Commission found the request reasonable under their bylaws.

*Motion by Dr. Hayes to grant the one-year extension request. Seconded by Dr. Turner. The motion passed unanimously on a roll call vote.*

### **2.) Continued Notice of Intent: MassDEP #039-0945, 48 Central Street**

Mike DeRosa of Environmental Sciences represented the applicant, Richard Bedell. Since the last meeting, significant changes have been made to the plan: the pergola and gas service to it were removed, leaving only a natural wood-burning fire pit. A wood storage area was added behind the existing shed. The DEP file number was updated, and correspondence with

Historic District Commission Chair Rosemary Costello confirmed that without the pergola, the project fell outside their purview under the at-grade exemption.

Ms. Barstow had sent updated plans to Rosemary Costello, receiving confirmation that the work was outside the Historic District Commission's jurisdiction since it involved only at-grade work and removal of landscaping materials.

The Commission engaged in extensive discussion about unpermitted concrete pads for a generator and air conditioning unit that had been installed by a previous owner. Several Commissioners expressed different views on how to handle these structures. Mr. Hoffman questioned whether they should be permitted as part of this application or left as unpermitted structures. Vice Chair Oettinger was hesitant to include them without proper process.

Chair Gang stated that violations run with the property, meaning the new owner would inherit the need to address them. He suggested either including acknowledgment in findings without permitting them or requiring an after-the-fact Notice of Intent. However, Mr. Lumsden argued against requiring additional filings if the Commission would likely approve them anyway, calling it punitive.

The Commission ultimately decided to include the pads in this application since alternatives analysis had been conducted, showing the generator needed to be five feet from the house and the Department of Public Works had approved their location on the town easement. Engineer Leticia confirmed the generator, and pads were included in mitigation calculations.

**Public Comment:**

Lisa Martinez, 50 Central Street, expressed concerns about storm water runoff from retaining walls, noise from the generators close to her property, and questioned why the structures were allowed without permits initially. She requested to see final plans and planting details.

Attorney Russ Brown, representing the Martinez family, argued that no meaningful alternatives analysis had been conducted for the generator pads, noting alternative locations existed near the rear of the house. He contended that structures in the no-disturb zone require clear and convincing evidence that they won't adversely impact protective resources, which he felt hadn't been provided.

Mr. DeRosa responded that this was not an incremental development attempt, that no pergola or gas line remained, and that no-disturb zone activities had been properly mitigated.

Mike Storella, 119 Pine Street, noted what appeared to be a gas line still shown on the plans. Mr. DeRosa confirmed this was a drafting error - the line had been removed but the notation remained, requiring a plan revision.

Chair Gang noted that setback requirements and alternatives had been thoroughly discussed in previous meetings, and the Department of Public Works had approved the pad locations.

*Motion by Dr. Hayes to close the public hearing for 48 Central Street. Seconded by Chair Gang. The motion passed unanimously on a roll call vote.*

**Orders of Conditions: MassDEP #039-0945, 48 Central Street**

The Commission reviewed the draft Order of Conditions prepared by Ms. Barstow. Special conditions included monitoring of mitigation plantings and securing materials like the wood pile during major storm events. Perpetual conditions prohibited pesticides, herbicides, and fertilizers in the project area.

Commissioners discussed whether to include language about the town easement and applicant responsibility for providing access to drainage infrastructure if needed. Chair Gang suggested including findings about the easement and perpetual conditions requiring owner responsibility for access, which were incorporated.

The commission confirmed that the concrete pads were included in the application and mitigation calculations, satisfying their concerns about proper permitting.

*Motion by Dr. Hayes to accept the order of conditions for 48 Central Street. Seconded by Dr. Oettinger and passed unanimously on a roll call vote.*

### **Minutes for Review**

The Commission reviewed minutes from the February 3, 2026 meeting. Corrections were noted including changing "Mark Lumsden" to "Mark Glovsky" for an attorney's name, correcting the spelling of "BRIC" grant, and capitalizing "Sawmill Brook."

*Motion by Mr. Lumsden to approve the minutes as amended. Seconded by Chair Gang. The motion passed unanimously on a roll call vote.*

### **New/Other Business**

#### **Beaver Solutions Annual Bill**

Ms. Barstow requested postponing discussion of the Beaver Solutions bill to the March meeting, as she had not received account number information from the finance department. The bill totaled approximately \$5,000 for annual maintenance and equipment replacement. Chair Gang agreed to determine the proper account for payment.

### **Adjournment**

Mr. Lumsden complimented the Committee and neighbors on their involvement in the 48 Central Street case, noting that weeks of discussion had helped shape a better outcome largely due to neighborhood input and suggestions.

*Motion by Dr. Hayes to adjourn. The motion passed unanimously.*

The meeting was adjourned, with the next meeting scheduled for March 17, 2026.