



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

March 29, 2022

Zoom Virtual Meeting ♦ 6:30 PM

MINUTES

I. Call to Order

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

Members Absent: None

Conservation Chairperson 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. This was a virtual meeting.

II. Requests for Extensions

27 Proctor Street, Michael Comb – Proposed raze and rebuild of an existing single-family home within buffers to Salt Marsh and Coastal Bank. AMENDED in 2020 – driveway realignment, remove existing driveway, add walking paths, and additional minor alterations

New

DEP File #39-0802

Mike DeRosa of DeRosa Environmental Consulting presented. He requested a one-year extension for the mitigation plantings to have another year growing period.

Vote: To grant a one-year extension.

Motion: Mr. Gang

Second: Mr. Judge

Actual Vote: 7-0

III. Requests for De Minimis Change

201 Pine Street Compost Facility, Town of Manchester, Charles Dam, DPW Director – construct a regional compost facility within the 100', 50' No Build Zone, and 30' No Disturb Zone Buffers to Bordering Vegetated Wetland

New

DEP File # 39-0827

Andrew Brousseau of Black Earth presented. Nate Derosiers, Manchester DPW Engineer in attendance. Mr. Derosiers, Mr. Brousseau and Ms. Bertoni had a site visit. Black Earth is the general contractor for this project. The changes he requested included: a slightly smaller compost building in the same footprint, fencing or jersey barriers instead of guardrails, moving some fencing, the culvert will have a pipe will end at masonry wall, National Grid will bring in power from a new pole, and Friends of Trees may pull out native sapling which otherwise would be destroyed. There will be no expansion on the site, but in the future the number of pounds composted could be increased if the Town agreed. National Grid will notify Ms. Bertoni before work is done.

Vote: Accept the De Minimis Change with 5 conditions.

Motion: Mr. Judge

Second: Dr. Oettinger
Actual Vote: 7-0

IV. Requests for Certificates of Compliance

1 Proctor Street, Chris Abbott – house addition, outdoor shower, patio, field stone wall and mitigation plantings within the 100', 50' No Build Zone, and 30' No Disturb Zone Buffers to Coastal Band and Land Subject to Coastal Storm Flowage

New

DEP File #39-0412

Mike DeRosa of DeRosa Environmental Consulting presented. Mr. Abbott in attendance. The Order of Conditions is 20 years old. A mitigation plan had been requested and planting were installed along the brook and in a second area on the property. Mr. DeRosa and Ms. Bertoni had a site visit. In the second mitigation area the plantings had been cut down by the renters. Mr. DeRosa proposed a planting plan to put the wetland back together which would be considerably larger. Dan Ottenheimer of Mill River Consulting prepared the As-Built Plan. There is approximately a 76 sf variance from the original plan. The addition had an increase of 150 sf. There was a decrease in the gravel drip edge. The patio had a decrease of 160 sf and 98 sf of pavers instead of patio. There is a bare patch of soil near the steps where a tree was felled by a storm. The applicant requested a partial Certificate of Compliance to allow existing plantings to emerge and be identified. The Commission agreed to allow time for the identification. The plantings area should come up around May/June and then the Commission could expect a report. Ms. Bertoni said the site is stable. Ms. Oseasohn requested monuments be added to avoid future cutting. The property has been sold and the closing was the next day.

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

Motion: Ms. Oseasohn

Second: Dr. Hayes

Actual Vote: 7-0

1 Proctor Street, Chris Abbott – construction/installation of a pier with a seasonal gangway & float within the 30' No Disturb Zone Buffers to Coastal Bank and within Salt Marsh (Days Creek Area)

New

DEP File #39-0475

Mike DeRosa of DeRosa Environmental Consulting presented. Mr. Abbott in attendance. This was another approximately 20-year-old Order of Conditions. Bob Reed did the original plan in 2004. Paul Donohoe did the As-Built Plan. The boardwalk was 148 sf, a decrease of 42 sf. The float was 160 sf, an increase of 62 sf. The total variance was 20 sf. The seasonal float (10X16) grounds out and has two anchors. Mr. Gang asked that the float be downsized, and the Commissioners agreed. Ms. Bertoni pointed out that the pier looked stable and informed the applicant that the float should not go into the water at the current size. If the homeowner wanted to keep the size of the float, he would have to come back to the Commission with a Notice of Intent. Mr. Abbott informed the Commission that he would cut the float down to the approved size.

Vote: To issue a partial Certificate of Compliance.

Motion: Mr. Gang

Second: Mr. Judge

Actual Vote: 6-0 1 abstained

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

VI. Notice of Intent

10 Forster Road, Lee Dellicker – replace an existing septic system, and rebuild an existing deck in the same footprint within Riverfront Area resource and within the 100' Buffer to Bordering Vegetative Wetland

Bill Manuell of Wetland & Land Management presented. The homeowner was in attendance. A failing septic system is currently located in the front yard. The proposed project is to replace the existing septic and rebuild the deck in the same footprint. Gateway Consultants prepared a plan and submitted it to the Board of Health. Per Mr. Manuell the Board of Health would approve the plan if the Conservation Commission approved the plan. The new septic falls within buffers to wetlands and a perennial stream. There will be a 1,134 sf impact. The proposed plan for the septic will be to remove the three existing leaching pits, pump out the previous system and backfill. The new system will have a series of plastic leaching pits installed on leaching sand and a new septic tank. Ms. Bertoni and Mr. Manuell had a site walk. There is a beech tree near the proposed leach area that Mr. Manuell will try to preserve.

The boards on the deck are weathered and rotted. The proposed plan is to replace the deck boards in the same footprint. It might need a total rebuild if the framing is rotted. There are two fences along the left and right property lines that are old, and the homeowner would like to replace them. Ms. Bertoni had talked with two abutters regarding the fence and cutting of vegetation.

Vote: To close the hearing.

Motion: Ms. Oseasohn

Second: Dr. Oettinger

Actual Vote: 7-0

27 Old Neck Road, Kenneth & Dorota Keverian – a proposed ecological restoration, pathway, and new seating area within the 100', 50' No Build Zone, 30' No Disturb Zone Buffers to Coastal Bank, and within the Conservation Restriction (CR) held by MECT

Continued from 3/8/22

DEP File #39-0870

Mike DeRosa of DeRosa Environmental Consulting Inc. presented. Patrice Murphy of MECT, and Mrs. Kevearian were in attendance. Revised plans were submitted and there were three updates. Meridian Associates filled in the topography and the setbacks on the plan. The Plan of Record is dated 3/18/22 and has an engineer stamp. In the planting plan and the invasive species management plan there is more specificity where the plants were being removed. Invasives will be removed from ledge area and face and natives will be planted. The sitting area has been moved 20-25' upslope to the edge of the lawn and smaller (approximately 10'X3'). The planting plan reflected the change in the sitting area. Mr. DeRosa informed the Commission that there would be a 5-year growing period so the Order of Conditions would need to be extended.

Patrice Murphy of MECT had reviewed the supplemental information and requested two conditions from the Commission. She requested that the tree pruning be a one-time removal of less than 10% of the canopy and that there be non-herbicidal methods used with the cutting of the Oaks. MECT would grant approval if the conditions are added.

Vote: To close the hearing.

Motion: Mr. Gang

Second: Dr. Oettinger

Actual Vote: 5-0 2 abstained

School Street (a Public Way between approximately Mill & Central Streets), Manchester DPW – cleaning & lining and/or removal & replacement of the existing water main with the roadway surface with Riverfront Area Resource

New

DEP File #39-0871

Mike DeRosa of DeRosa Environmental Consulting, presented. DPW engineer Nate Derosiers and project engineer Brendan Pyburn were in attendance. The project will start at Central Street and go to School Street and end at Rte. 128. The plan is to clean and reline existing piping. There are areas may need to be replaced and will be done on an as-needed basis. The project will improve the water quality for School Street residents.

The trenched areas will be worked on 200 linear feet at time. The area will be covered each day. Silt socks will be installed at wetland areas. The area will be backfilled and repaved.

Vote: To close the hearing.

Motion: Mr. Judge

Second: Dr. Oettinger

Actual Vote: 7-0

VII. Requests for Determination of Applicability

15 Proctor Street, David McHale – removal of an existing stone wall and minor regrading within the 100' Buffer to Coastal Bank (Salt Marsh)

Continued from 3/8/22

2022-0004

Brian Stein of BDS Designs. presented. A site visit occurred. The pool spillway is 8 sf in the 100' Buffer. There will be approximately 15' of stone wall removed in the Buffer. He will try to remove the area closest to the tree to preserve the tree. The Plan is dated 3/8/22. Conditions were discussed.

Vote: To issue a Negative 3 Determination of Applicability with 6 conditions.

Motion: Dr. Oettinger

Second: Ms. Oseasohn

Actual Vote: 5-0 2 abstained

112 Pine Street, Scott Milne – re-locate a temporary garage within Riverfront Area Resource

New

2022-0005

Scott and Andrew Milne presented. The project was to relocate a temporary garage. The garage will be used for car storage. He plans to fix the exterior and interior of a car. No fluids will be changed. The Commission felt the plan looked good. Mr. Gang requested a minor change in the wording of "temporary". Ms. Bertoni had received emails from abutters who were concerned about saving the heritage Linden trees and contamination of Bennetts Brook. Conditions were discussed.

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

Motion: Mr. Gang

Second: Dr. Oettinger

Actual Vote: 6-0 1 abstained

75 Bridge Street, Griffin Weiler – replace an existing septic system within the 100' Buffer to Bordering Vegetated Wetland

New

2022-0006

Mr. Weiler presented. The project is the replacement of failing septic system. He is a new owner and thought the approvals were already in place prior to the closing.

Vote: To issue a Negative 3 Determination of Applicability with 6 conditions.

Motion: Mr. Judge

Second: Ms. Oseasohn

Actual Vote: 7-0

VIII. Reconvene Regular Meeting

IX. New/Other Business

0 School Street: Patrice Murphy of MECT informed the Commission that the salamander traps are in. There are a lot of yellow spotted salamanders at the newly certified Vernal Pools but no blue spotted salamanders yet. She had filed for a letter permit and will file an RDA for hydrogeologic well monitoring sites. This will show if there is a connection from Cedar Swamp area to the Lincoln Street wells. She wants to start drilling by April 7 and had received permission from the Town and all private owners except one. Ms. Murphy is also building a water table map to look at flow directions.

Mr. Gang informed the Commission that SLV filed paperwork with the ZBA the previous week which included responses to peer reviewer on the environmental issues. Plans had been revised to eliminate the septic system and connect to Town sewer instead.

Water Resources Task Force: Mr. Gang informed the Commission that there would be a meeting the following day which would include a walking tour of the small treatment facility at the Lincoln Street well, the large facility at Gravelly Pond and the well heads and pump sites at Round Pond.

Francie Caudill of the Water Resources Task Force and the Stream Team had submitted a letter to the Commission regarding some issues in the Horsley Witten Report that require immediate attention. Dr. Hayes suggested this topic be added to an upcoming agenda to be discussed further.

Mr. Gang pointed out that there is a pump in Sawmill Brook, downstream from Mill Street, that belongs to the Essex County Club. It has an electrical system. He would like to know what that is.

Development at 133 Essex St. Hamilton: Ani Sarkisian, a member of the Hamilton Save Chebacco Trails and Watershed Group presented. The proposed development abuts Meadow Brook Farm and Chebacco Woods of which the Town of Manchester is the largest, partial owner. This group is opposed to this development and have a petition with 9,000 signatures of others who oppose it as well. The proposed project is 50 luxury homes. Sixteen acres of mature and healthy forest would be clear cut. The top of the hill would be blasted flat. The project would take 4-6 years to complete, 26 weeks of blasting, 55 truck trips per day to remove 190,000 cubic yards of rock. The group is concerned with the watershed and Gravelly Pond, the septic and leaching field connected through the wetland, and the potential of a heat island. Ms. Sarkisian asked the Commission to write to the Hamilton Planning Board with thoughts and concerns. The Hamilton Board of Health has approved the design of the septic. Mr. Gang pointed out that the property is not in the water supply protection area.

Virtual/In Person Meetings: Mr. Gang informed the Commissioners that remote meetings have been extended by the State to 7/15/22. Room 7 is equipped with everything for a hybrid meeting. The Commissioners wanted to remain with the remote format.

Meeting Process: Adjustments to the order of agenda items was discussed. Commission agreed to move Requests for Determination of Applicability (RDA) and Notices of Intent (NOI) to the top of the agenda while putting De Minimis Changes, Certificates of Compliance and Extension after. Ms. Bertoni mentioned that suggested conditions should be stated verbally so they can be agreed upon, or not.

Letter Permit:

84 Pine Street: For removal of a couple of larger trees. Ms. Bertoni did a site visit.

3 King's Way: Work close to 100' Buffer

X. Orders of Conditions:

10 Forster Road – Commissioners discussed conditions.

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

Motion: Mr. Gang

Second: Dr. Oettinger

Actual Vote: 7-0

27 Old Neck Road – Commissioners discussed conditions.

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

Motion: Mr. Gang

Second: Dr. Oettinger

Actual Vote: 5-0 2 abstained

School Street Water Main – Commissioners discussed conditions.

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

Motion: Mr. Gang

Second: Dr. Oettinger

Actual Vote: 7-0

XI. Adjournment:

There being no further business, the meeting was adjourned at 9:07 p.m. The motion was presented by Dr. Oettinger and seconded by Dr. Hayes and approved by unanimous consent.

Submitted by,

Eva Palmer

X. Meeting Documents:

- Requests for Extension – 27 Proctor Street submitted by Michael Comb.
- Request for De Minimis Change – 201 Pine Street submitted by Charles Dam, Manchester DPW Director.
- Request for Certificate of Compliance DEP File #39-0412 – 1 Proctor Street submitted by Chris Abbott.
- Request for Certificate of Compliance DEP File #39-0475 – 1 Proctor Street submitted by Chris Abbott.
- Notice of Intent – 10 Forster Road submitted by Lee Dellicker
- Notice of Intent – 27 Old Neck Road submitted by Kenneth & Dorota Keverian
- Notice of Intent – School Street water Main submitted by Manchester DPW.
- Request for Determination of Applicability – 15 Proctor Street submitted by David McHale.
- Request for Determination of Applicability – 112 Pine Street submitted by Scott Milne.
- Request for Determination of Applicability – 75 Bridge Street submitted by Griffin Weiler.