



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

May 31, 2022

Zoom Virtual Meeting ♦ 6:30 PM

MINUTES

I. Call to Order

Members Present: Steve Gang, David Lumsden (joined at 7:19 pm), Sari Oseasohn, Olga Hayes, Henry Oettinger, Ashley Ochs and Conservation Agent, Chris Bertoni.

Members Absent: John Judge

Conservation Chairperson Mr. Gang opened the meeting at 6:30 p.m. under the Wetlands Protection Act and Town by-law. He announced that it was being recorded by the Commission. This was a virtual meeting.

Presentation: Eagle Scout Project: Wood Duck Nesting Boxes

Boy Scout Josh Varghese presented his potential Eagle Scout project, Wood Duck Nesting Boxes. His project is to build and install approximately ten Wood Duck nesting boxes in trees in the Magnolia Avenue area. His goal is to help bring back the Wood Duck population in his neighborhood. Wood Ducks live near fresh water. The design for these boxes will be taken from the Audubon website. The maintenance needed will be to change the ashes in the boxes every season. The Commissioners liked the project. Ms. Bertoni will work with Josh to check resource areas for potential box locations.

Vote: To endorse and support this Eagle Scout Project.

Motion: Mr. Gang

Second: Dr. Oettinger

Actual Vote: 5-0

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

III. Notices of Intent

16 Ancient County Way, Brian & Lauren Grace – regrading and drainage improvements within Riverfront Area Resource and within the 100' Buffer to Bordering Vegetative Wetland

Continued from 5/10/22

DEP File #39-0874

John Morin of the Morin Cameron Group presented. The homeowners were in attendance. A site visit occurred and in response to the question on how much fill would be added, Mr. Morin informed the Commission that the net import of fill would be 14 cubic yards. There would be a maximum height of 3" on average over the area where the fill would be added. The goal of the project is to get the water to flow from left to right by flattening out the yard. The drainage system will be a gravity system and discharge near the existing pump chamber (dry well) discharge, approximately same location from the wetland resource area, but there will be more stone added (a riprap outfall). Mr. Morin does not expect any erosion from that outfall.

Wayne Melville, abutter, informed the Commission that he did not get an abutter's notice and had questions. He felt it should have been a certified mailing. He explained that he fully supported the project, but he had concerns about protecting his property line. In the past he said stones had been put on his property and he

wanted to know where any excavated material would be deposited. Mr. Morin explained that approximately ten years ago DEP changed the notification for abutters notices and are now Certificates of Mailing which are reviewed by the Post Office. Mr. Melville's name is on the list. The property line had been surveyed. There is no proposed removal of material along the lot line. Any large boulders will be stored on site, placed as landscape features in the Buffer Zone or taken off site. There should be no impact on Mr. Melville's property. There is no anticipated extra fill from the trenching. Mr. Melville's proposal for any excavated material was to take it offsite, put along someone else's property line, or do an accurate survey of the property line and put the boulders there. He wanted the property line flagged and said he would put a fence if he had to, to protect his property line. Mr. Morin explained that erosion controls would be set up approximately 5' in from the property line. It would be staked prior to work and Ms. Bertoni would do a pre-construction meeting. Mr. Gang informed Mr. Melville that enforcing the property line is not within the Commission's jurisdiction.

Vote: To close the hearing.

Motion: Ms. Oseasohn

Second: Dr. Hayes

Actual Vote: 5-0 1 abstained (technical difficulties)

IV. Requests for Determination of Applicability

31 Coolidge Point Road, William Brown – remove invasive species, install native plants, and construct a patio within the 100' Buffer to Coastal Bank

Continued from 5/10/22

2022-0009

Dennis Collins, friend of the homeowner acting in their interest, in attendance. A site visit had occurred. It was confirmed that the spacing between the stone pavers for the patio would be about 1". The Commission had no other questions. Conditions were discussed.

Vote: To issue a Negative 3 Determination of Applicability with 5 conditions.

Motion: Mr. Gang

Second: Ms. Oseasohn

Actual Vote: 5-0

V. Reconvene Regular Meeting

VI. Requests for De Minimis Change

85 Bridge Street, Eleanor & Glenn Dorr – to construct a driveway and landscaping improvements within the 100', 50' NBZ, and 30' NDZ Buffers to Bordering Vegetative Wetland and Intermittent Stream

New

DEP File #39-0829

Lolly Gibson, landscape designer presented. There is a bridge on the property that has become dangerous, and the homeowners would like it removed. There are 4X4 posts and no concrete footings so it would not be a huge excavation. The removal will be done by pulling out the posts or having them hand dug and back filled. The bridge will not be replaced. The surface is currently moss and loam. Ms. Gibson would like to take some moss from the property to replant in this area. She would harvest no more than 2 sf from the shrub areas, and it would not create any additional runoff. Ms. Bertoni had no issue with the landscaping in the Buffer. The Commissioners were comfortable with the moss harvesting and had no issues with the bridge removal.

Vote: To accept the De Minimis Change.

Motion: Mr. Gang

Second: Dr. Oettinger

Actual Vote: 5-0

VII. Requests for Certificates of Compliance

50 Summer Street, SC 50 Summer Street LLC – improvements to the parking area, remove gravel storage area, construct a pocket wetland, invasive species and debris removal, native species planting
Continued from 4/19/22 to 5/31/22 (no discussion on 5/10/22) **DEP File #39-0818**

Applicant requested a continuance to the 7/19/22 meeting to allow the site to grow back to its natural state.

Vote: To continue the matter to the 7/19/22 meeting.

Motion: Mr. Gang

Second: Dr. Oettinger

Actual Vote: 5-0

VIII. New/Other Business

0 School Street 40B filing: No conservation issues came up at the last ZBA meeting. Sarah Melish, ZBA chairperson, informed the Commission that the ZBA should have a Wildlife Habitat Study, done by the developer, by the end of the week. The next ZBA meeting is 6/22/22 and the matter will move forward unless an extension is warranted.

Water Resource Task Force: Mr. Gang thought the Task Force was making good progress. He felt the cooperation and collaboration among towns was backsliding. He attended the Hamilton Conservation Commission meeting last week which heard a Request to Amend an Order of Conditions (OOC) where it was decided that Chebacco Road would be paved where it is. The previous proposal to move the road, involving a land swap, was narrowly defeated at Manchester Town Meeting. Mr. Gang spoke up to ask for a two-week continuance to take a closer look at the project, which was rejected by the board. The amended OOC was approved with modest conditions. He felt this was a setback with collaboration at the Conservation Commission and citizen level. The Hamilton Conservation Commission uses a webinar format instead of Zoom.

4 Woodholm Road: Ms. Bertoni received an email from an abutter. Mr. Gang was not inclined to weigh in on neighboring property line disputes. A Determination of Applicability had been previously issued to for the unpermitted stone wall to be removed. This had not happened yet. This is causing dispute with the neighbor. The Determination is good for three years. Ms. Bertoni offered to write a letter regarding the removal the wall sooner rather than later. The Commissioners felt that a time limit should have been conditioned. Chuck Dam, DPW Director, informed the Commission that letters have been issued to the homeowner regarding the wall on the town right of way. Mr. Lumsden who lives in that neighbor informed the Commission that this wall and the dispute between 4 & 2 Woodholm is an irritant to the whole neighborhood. Town Administrator, Greg Federspiel, had met with both neighbors.

Letter/Tree Permits:

22 Boardman Avenue: Removal of two hazardous Oak Trees close to house. The one inland will be ground and replaced with other shrubs, and the one near the river will be flush cut and removed.

26 Rockwood Heights Road: Trees close to house to be pruned.

Work Initiation Form: DPW submitted a work initiation form for routine annual raking and removal of rack at Singing Beach, Black Cove Beach, and White Beach as part of the Beach Maintenance Plan. Ms. Bertoni had no issues with the work.

Violations/Enforcement Orders:

21 Proctor Street: Ms. Bertoni is still investigating a violation of unpermitted fill in the wetland. The homeowners were not able to make the last meeting on 5/10/22 or this meeting. Ms. Bertoni hoped to arrange a meeting with Ms. West the week of 6/6/22. There is currently no filing in front of the Commission. She had responded to a report of sandy material being added to the salt marsh and tidal area. She was able to take pictures from the street.

10 Old Wenham Way: An Enforcement Order (EO) was issued regarding the violation of certain conditions in the Superseding Order of Conditions (SOC). Mr. Gang reminded the Commissioners that the Conservation Commission was prohibited from visiting the site. The issue is whether the DEP SOC is being followed. There seems to be a dispute on whether the SOC must be appealed to have standing. The cover letter of the EO instructed Mr. Corsetti to cease & desist activity, file a Notice of Intent by 5/31/22, and to allow access to the property by the Conservation Administrator within 7 days. Town Counsel is acting as the advisor on this issue. Dr. Hayes had heard that the driveway had been paved. Mr. Gang pointed out that the driveway crosses some wetland resources and is close to vernal pools. He also noted that the denial issued under the local bylaw had not been appealed so it stands, prohibiting any activity in the jurisdiction.

Vote: To ratify the Enforcement Order issued to 10 Old Wenham Way 39-0811.

Motion: Mr. Gang

Second: Dr. Oettinger

Actual Vote: 6-0

White Beach & Black Beach: Ms. Bertoni had received a call and email that sand had been “dumped” on Black Beach before Memorial Day weekend. Ms. Bertoni was on site. A violation notice was issued to the DPW with conditions to cease and desist, remove the material, and come to this meeting. Chuck Dam, DPW Director and Nate Derosiers, DPW Engineer were in attendance. They had a meeting with Ms. Bertoni earlier. Mr. Dam informed the Commissioners that he had tried to get ahead of the previously approved White Beach project and there was the issue of sand in the parking area. He also thought storm sand could not be placed back on White Beach and admitted his misunderstanding. In the future the storm sand will be put back on White Beach. The extra material had been removed from the Black Beach piles and was at the compost site. Ms. Bertoni did not feel that all the material had been fully removed. Mr. Gang suggested having Ms. Bertoni come out before work is done after storm events.

Memorial School: Ms. Ochs pointed out that there is an area near the turf field that is a 3-1 slope that is all sand and collapsing. Kids walk through it going to the turf field and it needs to be seeded. Mr. Derosiers of DPW had mentioned it to the contractors. Ms. Bertoni will follow up with the design team.

112 Pine Street: Ms. Bertoni had not yet had a pre-construction meeting for the moving of the temporary garage. 6/1/22 is the deadline for removal. She will follow up with the homeowner.

IX. Orders of Conditions:

16 Ancient County Way: Conditions were discussed

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

Motion: Mr. Gang

Second: Dr. Oettinger

Actual Vote: 6-0

X. Approval of Minutes:

3/29/22 – Commissioners reviewed the minutes.

Vote: To accept the minutes as amended.

Motion: Ms. Oseasohn

Second: Mr. Gang

Actual Vote: 6-0

4/19/22 - Commissioners reviewed the minutes.

Vote: To accept the minutes as amended.

Motion: Ms. Oseasohn
Second: Dr. Hayes
Actual Vote: 6-0

XI. Adjournment:

There being no further business, the meeting was adjourned at 8:14 p.m. The motion was presented by Dr. Hayes and seconded by Dr. Oettinger and approved by acclimation.

Submitted by,

Eva Palmer

X. Meeting Documents:

- Notice of Intent – 16 Ancient County Way submitted by Brian & Lauren Grace.
- Request for Determination of Applicability – 31 Coolidge Point Road submitted by William Brown.
- Request for De Minimis Change – 85 Bridge Street submitted by Eleanor & Glenn Dorr.
- Request for Certificate of Compliance – 50 Summer Street submitted by SC 50 Summer Street LLC.
- Determination of Applicability – 112 Pine Street.
- Letter Permits – for 22 Boardman Avenue (hazard tree) and 26 Rockwood Heights (hazard pruning).
- Violations – 21 Proctor Street (unpermitted fill) and White & Black Beach (sand dumping).
- Enforcement Order – 10 Old Wenham Way (violation of certain conditions under the State Superseding Order of Conditions).