

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

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January 14, 2025, 6:30pm; Hybrid Meeting

Town Hall Meeting Room 5/Zoom; Meeting ID: 896 6985 6664 Passcode: 090331

Members Present Online: Dr. Olga Hayes, Dr. Henry Oettinger, Gordon Turner, Sari Oseasohn, Steve Gang

Members Absent: David Lumsden, Dr. Jeff Bodmer-Turner

Staff Present: Marc Resnick

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

The meeting was called to order by Chair Steve Gang at 6:30pm. Present at the meeting were Steve Gang, Dr. Henry Oettinger, Dr. Olga Hayes, Sari Oseasohn, Gordon Turner. Marc Resnick, Town Director of Land Management, was also present. Commissioners David Lumsden and Jeff Bodmer-Turner were absent.

### **Notice of Intent Public Hearings**

#### **39 Coolidge Point Ave (map 3, lot 27) DEP File # 039-0922 (continued)**

No representatives were present; Mr. Gang tabled the item for the next meeting.

#### **12 Boardman Ave (map 24, lot 23) DEP File # 039-0925**

Mike Page from Griffin Engineering represented the applicants, Dr. and Mrs. Gurley. He provided an update that DEP had approved a LOMA (Letter of Map Amendment) which removed the residence and portions of the parcel outside the 100-year flood zone, putting it outside land subject to coastal storm flowage. Mr. Page noted that the approval had been provided to Director of Land Management Marc Resnick on December 21, 2024.

Mr. Gang moved to close the Public Hearing on 12 Boardman Avenue, DEP file 039-0925. Olga Hayes seconded. The motion passed unanimously.

Mr. Gang then discussed the proposed conditions as prepared by Ms. Oseasohn. The Commissioners reviewed draft standard, special, and perpetual conditions for the project. They made minor corrections, including fixing Marc Resnick's email address and removing references to Days Creek and riparian zones that were not applicable to this site.

Mr. Gang moved to issue the Order of Conditions for 12 Boardman Avenue, DEP file 039-0925, as amended. Seconded by Dr. Hayes. The motion passed unanimously.

#### **110 Bridge St (map 22, lot 6) DEP File # 039-0924 (continued)**

Mr. Gang introduced the project for 110 Bridge St that seeks to relocate a driveway, installation of a patio, landscaping and grade changes, replacement of a detached garage, removal of a

storage shed, barn renovation, fence construction, stream maintenance and channel blockage removal and native plantings.

Jay Polakiewicz with Hancock Associates presented on behalf of the applicant, along with Caitlin White from Hancock Associate's wetlands department, Prescott Logan and Hillary Holdsworth, landscape architect. He stated that the plans had not changed since the site walk.

Mr. Gang moved to close the Public Hearing on 110 Bridge Street, DEP file 039-0924. Seconded by Dr. Hayes seconded. The motion passed unanimously.

The Commissioners reviewed draft conditions prepared by Ms. Oseasohn. They discussed clarified language around invasive species removal to allow appropriate machinery for large invasives while minimizing heavy machinery use overall. They also discussed long term maintenance plan for maintaining native plantings.

Mr. Gang moved to issue the Order of Conditions for 110 Bridge Street, DEP file 039-0924, with the special and perpetual conditions as written. Seconded by Ms. Oseasohn. The motion passed unanimously.

#### **48 Central St (map 44, lot 19) DEP File # 039-0926 (new filing)**

Mike DeRosa from DeRosa Environmental presented on behalf of Richard Bedell, the new owner. Also present were Leticia Oliveira from Moore and Cameron Group, the engineer for the project, and Richard Bedell.

Mr. Derosa provided an overview of the revised project, which had been reduced in scope from a previous denied proposal:

- Reduced from a two-car to one-car garage
- Garage moved completely out of the no-disturb zone, and is now significantly smaller.
- Portions still within no-build zone due to site constraints
- Conversion of some pavement to lawn
- Rain garden for runoff treatment
- Keeping existing wooden platform/deck on concrete wall
- Adding pervious paver patio
- Two existing concrete pads to be included for after-the-fact approval

Mr. Gang asked if there would be cars parking on the grass; Mr. Derosa said he did not foresee that. Dr. Oettinger asked if the asphalt driveway would be removed; Mr. Derosa stated that he would speak to the applicant about the idea of using more pervious materials for the driveway.

The Commissioners discussed scheduling a site visit. They agreed to continue the Public Hearing to allow for a site visit and further review.

Mr. Gang moved to continue the Public Hearing for 48 Central Street, DEP file 039-0926, to the February 2nd meeting and schedule a site visit for Saturday, January 18th at 9:30 AM. Dr. Oettinger seconded. The motion passed unanimously.

### **39 Coolidge Point Ave (map 3, lot 27) DEP File # 039-0922 (continued)**

The Commission decided to move forward with discussing 39 Coolidge Point Ave without the representatives for the project present.

Mr. Gang moved to close the Public Hearing for 39 Coolidge Point Ave. Dr. Hayes seconded. The motion passed unanimously.

The Commission discussed the proposed standard, special, and perpetual conditions drafted by Ms. Oseasohn. Mr. Brewster suggested that they had already discussed and voted on the project at their last meeting.

Mr. Gang decided to moved forward to the next agenda item.

### **Request for Determination of Applicability Public Hearings**

#### **43 through 76R Raymond St**

Applicant Debra Dunne explained this was a renewal of a previous 3-year permit for seaweed removal from the beach. The permit had not been used in the past 3 years but was being renewed in case of future need. The process and arrangements remained the same as the previous permit.

Mr. Gang moved to renew the previous 3-year permit for seaweed removal at 43 through 76R Raymond Street under an RDA with the same conditions as before. Dr. Hayes seconded. The motion passed unanimously.

#### **18-20 Butler Ave**

John Judd from Gateway Consultants presented on behalf of Mary McCarthy for an addition to an existing garage/guest house. The project would occur in the outer buffer zone, 84 feet from the wetland edge. It would add about 100 square feet of new impervious surface.

The Commissioners discussed the project with Mr. Gang noting the usual ratio is 1.5 to 1 in the outer buffer zone and noted that the Commission appreciated receiving an engineered plan. They agreed to issue a negative determination with conditions for mitigation planting.

Mr. Gang moved to issue a Negative 3 Determination for work within the buffer zone that's not going to have a measurable impact on the resource area for 18-20 Butler Avenue. Dr. Oettinger seconded. The motion passed unanimously.

### **Request to Extend Order of Conditions**

#### **17 Proctor St (map 16, lot 17) DEP File # 39-0864**

Mike DeRosa requested a one-year extension at 17 Proctor St to allow for another growing season for plantings, extending the order to March 1, 2026.

Dr. Oettinger moved to extend to March 1, 2026, the existing order of conditions for 17 Proctor Street, file number 39-0864. Ms. Oseasohn seconded. The motion passed unanimously.

### **Request for Partial Certificate of Compliance**

#### **94 Bridge St (map 21, lot 05) DEP File # 039-0852**

Susan St. Pierre, representing the applicant, explained that the pier and seawall work was complete, but they were requesting more time for the salt marsh restoration plantings to establish. Mr. Oettinger requested to look at photos of the seawall. Susan showed photos of the seawall under construction and noted that a report was submitted to the Commission last fall. The Commissioners reviewed photos of the completed work and planting progress. It was stated that the project will be completed in the fall of 2025. Ms. St. Pierre stated that the applicant needs the Partial Certificate of Compliance from the Commission in order to secure a Chapter 91 Certificate of Compliance from DEP for the pier and the seawall.

Dr. Hayes moved to issue a Partial Certificate of Compliance for 94 Bridge Street, DEP file number 39-0852, covering the hardscape and seawall restoration but not the plantings. Mr. Gang seconded. The motion passed unanimously.

### **Enforcement Issues**

#### **68 Pine St**

The Commission discussed that a certified letter had been sent but no response received. They agreed to have Gordon Turner attempt to make contact in person to explain the situation and potential options for compliance. Mr. Gang suggested going to the home and hand delivering the letter that was sent via mail. Dr. Hayes suggested that the property owner could do a stream crossing, but that the Commission needed to approve it. The Commission agreed that Dr. Hayes would hand deliver the letter previously sent by the Land Use Clerk.

#### **59 Pleasant St**

Property owner Bridgette Santo attended the meeting after receiving a letter about potential violations. She explained that she had lived there for 14 years and asked what they had done to prompt a violation letter. The Commission explained the regulations regarding wetland buffer

zones and advised her to work with the Land Use office to prepare information for the next meeting on February 2nd. Ms. Santo asked what the violation was; Mr. Turner suggested that a neighbor might have walked by and noticed a piece of plywood on the ground and thought that there might be some work being done on the property. Ms. Santo stated that the piece of plywood on the ground was for when rains are heavy and the driveway turned muddy. Ms. Santo asked how the violation came up for discussion; Mr. Gang responded he didn't know, and that the letter Ms. Santo received was about a potential violation, not a violation. Mr. Gang suggested that the Commission will address 59 Pleasant during their next meeting.

## **208 Summer St**

The Commission discussed erosion concerns at this construction site on a steep slope above wetlands. They noted that there was blasting going on at the site and agreed to contact the builder about implementing erosion control measures to protect the wetland at the bottom of the hill. The Commission discussed whether they had jurisdiction over the project as it was out of the resource area.

## **New/Other Business**

### **Beaver Obstructions – Beaver Solutions**

Mr. Gang reported he and Marc Resnick would be inspecting beaver activity near the Onion River. They also discussed a separate beaver issue near Ledgewood Rd that would likely be addressed by DPW and the Board of Health. Mr. Turner asked Mr. Resnick if he had included anything in the proposed Conservation budget for beaver removal; Mr. Resnick stated that they had not included beaver removal in this year's budget. Mr. Gang noted that he had sent a request to the Town Administrator for \$10,000 for Conservation's budget specifically for beaver removal. Mr. Resnick stated that he would check on the status of the Conservation budget.

### **Review of Letter Permits/Tree Permits/Emergency Certifications/Work Initiation Forms**

Marc Resnick reported he had not issued any in the past few weeks. Mr. Oettinger suggested that the Commission should vote to amend the Conservation fees; Mr. Gang suggested the Commission hold a Public Hearing to do so and scheduled a Public Hearing for February 2<sup>nd</sup> for the official vote. Mr. Turner suggested they also discuss filing decisions with the Registry of Deeds, and Mr. Resnick stated he would look into the idea.

## **Review Final 2025 Meeting Calendar**

The Commission reviewed and adjusted the proposed 2025 meeting calendar:

- Moved the November 11th (Veterans Day) meeting to November 12th
- Kept the December 23rd meeting date

## **Discussion and Introduction to New Performance Standards for Vernal Pools**

Mr. Gang introduced the concept of adding quantitative standards for vernal pool protection, similar to surface water quality standards. The commission discussed potential challenges in implementing and monitoring such standards. They agreed to continue the discussion at the next meeting.

## **Correspondence**

### **FY26 Dues Review**

Steve Gang moved to authorize \$640 from the appropriate fund for dues payment to the Mass Association of Conservation Commissions. Dr. Hayes seconded. The motion passed unanimously.

## **Other Items Not Foreseen by the Chair**

Mr. Gang noted that there would soon be a new Conservation Agent for the Town.

Mr. Gang also noted that litigation with the Corsetti's is continuing, and that the Court had continued the hearing to April 3, 2025 in Lawrence, and that the Commissioners do not need to attend.

Mr. Resnick stated that he had received a letter from the Town's Health Agent asking questions about Title 5 and setbacks as they relate to vernal pools. Mr. Resnick will forward the letter to the Commission.

## **Adjournment**

Dr. Hayes moved to adjourn the meeting. Mr. Turner seconded. The motion passed unanimously.

The meeting was adjourned at 8:16pm.

By: Shannon Bianchi, MBTS Land Use Clerk