

Conservation Commission Meeting – July 6, 2015 Minutes

Time: 7:34 PM –8:40 PM

Location: Town Hall, 2nd Floor Conf. Rm.

Members Present: Mark T. Mahoney, Chair; Tom Ruskin, Vice Chair; Nelson Kessler; Marc Andler; and Toni Bandrowicz

Members Absent: Robert Salter and Monica Tamborini

Others Present: Laura Spatanas, Selectmen liaison; William Manuell of Wetlands & Land Management, Inc., consultant for owners of 245 Puritan Road; and John and Rhoda Gilberg, abutters of 245 Puritan Road.

245 Puritan Road

The meeting was called to order at 7:34 pm and began with the application of Mark Berenson for construction of a garage at 245 Puritan Road with a presentation by Mr. Manuell, the owner's consultant.

While Mr. Manuell was setting up, the Commission approved the June minutes, by motion of Mr. Ruskin, seconded by Mr. Andler, and unanimously approved.

Mr. Manuell explained that the coastal wetland source areas potentially affected by the project included "coastal beach," "coastal bank" (i.e., a seawall) and "land subject to coastal storm flowage." He informed the Commission that the proposed construction would not involve any work on the beach, nor would it affect the seawall. He also stated that, because the footprint for the actual construction was small, it was anticipated that it would not deflect storm flowage onto neighboring properties. He also stated that, in order to avoid continued maintenance costs, the owner planned to pave the existing gravel driveway.

Mr. Kessler noted that the Commission had not approved a neighboring property owner request to pave a driveway because of the non-permeability of a paved driveway, and so, for consistency, the Commission should not approve paving in this case. Mr. Mahoney questioned if the owner had considered permeable pavers as an alternative, which the consultant indicated he believed would present maintenance problems.

Mr. Mahoney also had questions regarding the movement of water through the area and whether there would be a solid foundation instead of flow through construction, because, as the area is in fact prone to flooding, a solid foundation may redirect floodwaters thereby affecting neighboring properties. This concern was also raised by Mr. John Gilberg, owner of the neighboring property. Mr. Gilberg was also concerned that having a paved driveway, where the water would not seep into the ground, could

result in more water following into, and flooding the street, which was already a problem.

Mr. Mahoney also asked whether there would be removal of trees, to which the consultant responded, yes, two trees would be removed. Mr. Mahoney did not think this was a significant issue.

Mr. Mahoney requested that the owner investigate and include (1) a more permeable alternative to paving the driveway and (2) a flow through foundation consistent with FEMA standards in the application. Accordingly, this matter was continued to the next scheduled meeting of the Commission on July 29th. It will be placed first on the agenda given that the consultant is scheduled to be at another meeting that night.

Orders of Conditions: 273 Puritan Road (File #71-284) and 55 Puritan Lane (File #71-285)

The Commission then took up the reissuance of the above-referenced Orders of Conditions (“OOC”) to include a provision for maintaining the seawalls for a 10 year period. A motion to reissue the 273 Puritan Road OOC was made by Mr. Andler, seconded by Mr. Kessler, and unanimously approved. A second motion to reissue the 55 Puritan Lane OOC was made by Mr. Ruskin, seconded by Mr. Andler, and unanimously approved.

167 Puritan Road

The issue of the seawall rebuilt at 167 Puritan Road was then discussed. Although rebuilding of the seawall was approved by the Commission, questions had arisen on whether the actual construction resulted in a wall that exceeded the 25 foot elevation (National Geodetic Vertical Datum 1929) maximum. The Commission will request that the owner have the wall surveyed by a licensed professional engineer or surveyor to ensure that it is consistent with the approval given by the Commission.

Conservation Property Boundary Markers

Ms. Bandrowicz proposed that the Commission order 100 - 4” round aluminum boundary markers from Adrian Name Plates at a cost of \$250.00 plus shipping, with the markers having the wording “Town of Swampscott – Conservation Area” around the edge, and art work consisting of a silhouette of a bird, animal, and/or tree in the center. Mr. Andler made a motion to approve the proposal which was seconded by Mr. Ruskin and unanimously approved.

29 Northstone Road

Mr. Andler recused himself from the discussion of Northstone Road and left the meeting.

Mr. Ruskin provided background to Ms. Spantanas regarding the construction of stairway at the property which is in apparent violation of the Order of Condition and subsequent correspondence of the Commission. Ms. Bandrowicz then summarized the enforcement options and suggestions made by the Massachusetts Association of Conservation Commissions, which include issuance of a Notice of Violation and/or an Enforcement Order, the latter issued either by the Commission or the Massachusetts Department of Environmental Protection ("MA DEP")

Before contacting the MA DEP or taking other formal enforcement, Mr. Mahoney suggested first trying informal discussions with the owner of the property with the goal of having a restoration plan that would include removal of the lower part of the stairs. Mr. Mahoney will draft the letter which will be cc'd to the Town Counsel.

Other Business

The extreme importance of having the Town hire a Conservation Commission agent was emphasized to Ms. Spantanas, as the liaison to the Town Selectmen.

Next meeting is scheduled for 7:30 pm on July 29, 2015.

Meeting was adjourned at 8:40 pm.

Submitted by Toni Bandrowicz