

Conservation Commission Public Meeting – April 11, 2016 Minutes

Time: 7:30 PM – 8:40 PM

Location: Town Hall

Members Present: Tom Ruskin; Nelson Kessler; Marc Andler; Monica Tamborini; Robert Salter; Toni Bandrowicz; and Jennifer Simon.

Members Absent: None

Others Present: Representatives for 293 Humphrey Street, Commuter Rail Corridor, 45 and 44-48 Carson Terrace, and Preston Beach Condominium Trust.

The Conservation Commission Public Hearing was called to order at 7:32 pm.

293 HUMPHREY STREET Request for Determination of Applicability – Application of Ronald Plotka for work related to reconfiguration of the third floor of an existing building and increase in building height. Property location: Map 2, Lot 200A. Following a brief presentation by the project proponents, and confirmation that the footprint of the work was not being changed, only the height of the building, and that there would be no change in runoff from the site, there was a motion by Mr. Andler, seconded by Ms. Tamborini, and unanimously approved, for a negative determination.

COMMUTER RAIL CORRIDOR Request for Determination of Applicability – Application of Keolis Commuter Services for work related to vegetation control activities (herbicide application) along the Commuter Rail line. Following a short presentation by Kyle Fair of Fair Dermody Consultants, and given that there are no proposed changes to the current delineations or permanent markings in the field from the previous filing, a motion was made by Ms. Tamborini, seconded by Mr. Andler, and unanimously approved, for a negative determination.

Mr. Fair noted that the Commission should send the approved paperwork to Fair Dermody, not the railroad.

44-48 CARSON TERRACE Request for Extension of Orders of Condition – Request from Charles Faia for an extension to the existing Order of Conditions. Property location: Map 9, Lots 572 & 573. Mr. Faia made a short presentation requesting that the Commission grant an extension on the previously issued Order of Conditions, for an additional 3 years, as the current Order of Conditions expires in June of this year. He indicated that the work was planned to be started this summer/fall. Upon motion of Ms. Tamborini, seconded by Mr. Andler, the extension was unanimously approved.

SURVEYING OF EWING WOODS – On an unrelated matter, Mr. Faia then, at the Commission's previous request, explained the estimates he had provided for surveying Ewing Woods. Given that the Commission is only interested in surveying Ewing Woods, and not also the adjacent school property, and is interested in getting

information on encroachments to the Woods, which would be part of Mr. Faia's preparation of an "existing conditions plan," Ms. Tamborini made a motion, seconded by Mr. Andler, and unanimously approved, that Parsons and Faia, Inc. be hired to do option #3 in his Dec. 7th, 2015 letter (surveying of Ewing Woods with an Existing Conditions Plan with cost range of \$4,800 to \$5,800). Mr. Bandrowicz will check with Town Planner Pete Kane on the process for hiring the company and paying for its services. Mr. Faia explained that he would be putting rods into the ground to mark the boundaries and some concern was raised by the Commission that people could move the rods.

Request for Certificate of Compliance – Request from Sarah R. Tierney Anderson C/O Kalikow, Kalikow, & Truax for a Certificate of Compliance for work performed on the property in 1984. Property location: Map 9, Lot 580. A presentation was made by the attorney for the former owner of the property, on the history behind this request. As certain work had been completed in accordance with the a previously issued Order of Conditions (which cannot be located), and there have been no problems associated with the work undertaken in the intervening years, and as a neighbor to the property who was present at the hearing supports having the certification issued, upon Motion of Ms. Tamborini, seconded by Mr. Andler, and the Commission unanimously approved issuance of the Certificate of Compliance for this project.

Mr. Kessler recused himself from this discussion.

PRESTON COURT DISCUSSION to determine if the Preston Beach Condominium Trust will need to file an RDA or NOI for proposed railing work on the seawall. Supporters for this work noted that they had gone to the building inspector who suggested they speak to Commission first about this request to replace the existing railing on the seawall, which is deteriorated and presents a safety hazard, with a stainless wire railing that complies with applicable codes. The work would be done with hand tools and there would be no equipment on the beach. The Commission informed the Trust that a NOI would have to be submitted, including a simple plan, but that, given safety issues, the Commission would treat this as an emergency action, and that the Trust should move forward with the work, and the Commission would approve the NOI after the fact. Motion was made, seconded, and unanimously approved.

OTHER MATTERS

A member of the Commission observed that it appeared trees were being cut by Palmer Pond. Mr. Ruskin offered to take photos of existing trees so the Commission can have a baseline to compare. An issue raised was how to enforce to ensure that this does not happen in future.

Ms. Bandrowicz noted that, at the MACC Conference she attended, there were a number of suggestions for conducting its public hearings that the Commission might want to adopt (e.g., having one page handouts explaining the role of the Conservation

Commission and of how hearings are run, nameplates for Commissioners and staff). Also discussed at the MACC conference was adoption of the MACC Model Wetland Bylaw, including "ticket authority authorized by Chap. 21D. While Swampscott does have a wetland bylaw it is not as comprehensive as the MACC model. Ms. Bandrowicz and Ms. Simon will explore this possibility and report back to the Commission.

Date for the next public hearing is Thursday, May 19th.

Motion to adjourn was made at 8:40 pm, seconded, and unanimously approved

Coastal Barrier Resources System Mapping Project

In response to U.S. Fish & Wildlife Service's request the Commission voted to confirm the classification of Palmer Pond as a "System Unit" under the Coastal Barrier Resources System.

Environmental Complaint Submitted to MassDEP

The Conservation Commission was forwarded a copy of a complaint submitted to the MassDEP by a Swampscott resident for a problem occurring at 5 Connelly Ave. The complaint alleges that a vernal pool was paved over, and that oil contamination and/or dumping is occurring in Foster Pond. Mr. Kessler noted that there are no certified vernal pools in that area. Toni Bandrowicz will drive over to the area to investigate and report back to the Commission.

Charles Ewing Woods Survey

Ms. Bandrowicz contacted the surveyor (Parson and Faia) who provided estimates for surveying Ewing Woods, but the surveyor could not attend the March 10th meeting. She will see if he can attend the next meeting, once scheduled, as the Commission would like the firm to make a presentation on the different types of surveys it provided quotes on, and what each survey included.

Next meeting: Mr. Ruskin noted that he will only be available April 6th or 12th, and after that, starting the week of May 9th.

Applicant for Conservation Commission

Given Mark Mahoney's resignation from the Conservation Commission, a list of potential applicants that the town had on file was forwarded to the Commission. The Commission, however, needs additional information on each applicant's qualifications, in particular copies of resumes. The Commission is in need of someone who has technical expertise, and it could not be determined from the limited information provided if the applicants had such qualifications. It was noted that if a qualified applicant cannot be found, it may be necessary for the town to provide funding for an outside consultant to attend meetings to provide technical advice on matters before the Commission.

MACC Annual Meeting

Ms. Bandrowicz attended the March 5, 2016 MACC conference and sent the other members of the Commission by email a summary of some of the events and workshops.

The meeting was adjourned at 8:10 pm.