

Conservation Commission Public Meeting – May 24, 2016 Minutes

Time: 7:37 PM – 9:06 PM **Location:** Town Hall

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

Members Absent: Marc Andler; Monica Tamborini

Others Present: See attached sign-in sheet

The Conservation Commission Public Hearing was called to order at 7:37 pm.

2-32 PRESTON COURT (Property location Map 31, Lots 98A -98H)

Following-up from the previous meeting, the Preston Beach Condominium Trust submitted a NOI for proposed railing work on the seawall. (The Commission had previously issued an emergency order to do the work.) Motion was made, seconded, and unanimously approved to issue an Order of Conditions on the NOI.

34 BLODGETT AVENUE (Property location: Map 32, Lot 59)

Mr. Ruskin stated for the record that his property abuts 34 Blodgett Avenue, but the work being done on the property will have no impact on his property. The attorney for the applicants stated that he had no objection to Mr. Ruskin hearing and voting on this matter; however, another neighbor present at the meeting, Jackie Shanahan, objected to Mr. Ruskin being involved. It was suggested that Ms. Shanahan's concerns about the project be discussed to see if they could be adequately addressed.

Ms. Shanahan believes that a NOI should have been submitted for the project. First, because the RDA noted that soil would be disturbed, there is a substantial improvement of the property, and so a NOI should have been filed. The attorney for the applicant responded by saying that the RDA only stated that there "may" be a temporary disturbance to the lawn or landscaped areas, and that there was no such impact.

Ms. Shanahan also stated that if proper permits had been issued by building inspector, there would be an increase in the value of the home, which would indicate a substantial improvement, in which case the house would have to meet new standards, including construction on stilts, and so a NOI would be required. The Commission noted that the permitting issue needed to be taken up with the building inspector, but that Commission would not consider this project a substantial improvement. It was explained that if the applicant plans to do additional work outside the present house footprint, such as putting a patio on, then the applicant will have to submit an NOI and a landscape plan and come back before Commission.

Ms. Shanahan indicated that she was still objecting to Mr. Ruskin participating, for appeal purposes, and so Mr. Ruskin recused himself and left the table at 8:33 pm.

A phone call was made to see if one of the absent Commission members could come to the meeting so that there would be a quorum to vote on the matter. The hearing was then postponed pending this member's arrival.

51 LINCOLN HOUSE AVENUE (Property location: Map 21, Lot 66)

Mark Mahoney, representing the applicant which had submitted a RDA for this project, stated for the record that he was a past member of the Commission, and that when he was on the Commission, this matter had not come before him, and that he has not personal interest in the matter. He provided us with notices, noting that one had come back undeliverable. He showed us photos of the wall, noting that it needs to be repaired or replaced but that, before doing so, it is necessary to do test pits to see examine the foundation to the wall. He explained that the plan in the future is to take the house down and construct a new one and either replace or repair the wall, or put a second wall in front of the existing wall, and that, at the time, the owner will submit a NOI and come before the Commission. Mr. Ruskin asked about, and Mr. Mahoney explained what will happen to the soil excavated for the test pits. He also noted that Childs is the contractor doing the work.

Based on the information provided, the Commission, upon motion, seconded, unanimously approved a negative determination.

Before Mr. Mahoney left, Mr. Kessler reminded him about the drafting of a letter re closure plan for the quarry.

54 TUPELO ROAD (Property location: Map 26, Lots 122 and 139) - The attorney representing the applicant stated that, while the land may be on a resource area, the structure on which the work is being done is not. Based on the information provided, the Commission, upon motion, seconded, unanimously approved a negative determination.

149 PURITAN ROAD – The owners came before the Commission to informally discuss the possibility of installing permanent stairs at the seawall. The Commission indicated that permanent stairs have not been approved in the past, and suggested utilizing lightweight aluminum stairs as an alternative.

The Commission then approved the **April 11 2016 minutes**.

34 BLODGETT AVENUE (Property location: Map 32, Lot 59) – Continued.

Mr. Robert Salter arrived and hearing on this matter was continued. The attorney, speaking for the applicants went through the history, noting that in March 2016, the applicant had obtained a building permit, but that Mr. Kane, Town Planner, had indicated that because part of the house was in the resource area, the applicant should submit a RDA and appear before the Commission. The applicant believes that there is no disturbance of the resource area, that the work being done is outside the jurisdiction of the Commission because it is being done over the existing garage, but nevertheless submitted the RDA in order to get a negative determination for the record, and so the applicant could then go back to the building inspector. The contractor for the applicant said that there will be no excavation, the entire new structure was built above an existing structure, and there was no work in the resource area. The contractor provided copies of photos showing the construction, and also copies of newspaper advertisements (it was noted by the attorney that because this was not a NOI, notification of the neighbors was not necessary. Ms. Shanahan then reiterated her concerns, as noted above.

Based on the information provided, a motion was made, seconded and unanimously approved to grant a negative determination for the project

The following tentative dates for Commission meetings during the summer were then identified:

June 14 and 16

July 14

August 9, 10, 11

Upon motion, seconded, the meeting adjourned at 9:06 pm.

Prepared by Tonia Bandrowicz, Conservation Commission member

TOWN OF SWAMPSCOTT
 CONSERVATION COMMISSION
 Public Hearing

Date: May 24, 2016

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