

Conservation Commission Public Meeting - January 19th 2017 Minutes

TIME: 7:34 PM

LOCATION: Police Headquarters

Members Present: M. Tamborini, M. Andler, T. Bandrowicz, J. Simon, T. Ruskin (via telephone)

Absent: R. Salter

Others Present: Peter Ogren (Engineer), James Emmanuel (Landscape Architect), Mark Mahoney (Resident)

The meeting was called to order by T. Bandrowicz at 7:34 PM. T. Bandrowicz welcomed the representatives and residents present, and explained the Town of Swampscott Conservation Commission to those present.

Chairman of the Commission, T. Ruskin, was unable to attend the meeting in person but was able to call in remotely and participate via a telephone. T. Bandrowicz verified with the Commission and the audience present that there was a quorum with five members present.

51 LINCOLN HOUSE AVE – (PROPERTY LOCATION MAP: 21 LOT: 66) (MASS DEP FILE 71-307) – NOTICE OF INTENT

T. Bandrowicz opened the hearing.

Peter Ogren of Hayes Engineering began by stating that he is representing the applicants (Joy and Philo Pappas) and explained that the applicants currently live in Texas. Mr. Ogren explained that Mr. Pappas is currently out of the country on business, but that Mrs. Pappas was willing to take a flight up from Texas and come to the hearing. Mr. Ogren stated to the Commission that he explained to Mrs. Pappas that he felt it would be unnecessary for her to fly up for the hearing.

Mr. Ogren then filed certified mail receipts, regarding notification of the abutters, with the Commission.

Mr. Ogren began his presentation by showing the Commission a map of existing conditions on the property. Mr. Ogren explained that the home currently on the property has a fairly large footprint. Mr. Ogren explained that this home has undergone many additions, but has lacked maintenance. Mr. Ogren stated that his clients (the Pappas) are proposing to build a two-story single family home, essentially, as Mr. Ogren explained, on the same footprint.

Mr. Ogren stated to the Commission that this proposal has already gone through the Zoning Board of Appeals and the Planning Board processes, due to the size of the proposed home. Mr. Ogren explained that during these hearings the Pappas were represented by an attorney (Mr. Ogren explained that he let the Pappas attorney know that he did not need to attend the

Commissions hearing). Mr. Ogren also explained that the proposal has gone through the neighborhood process and that the neighbors had a lot of thought on the house, but recently the neighbors had come to agreement with the proposal.

Mr. Ogren then used large maps he had brought with him to show the Commission that any grading that will be done on the lot will be minimal and stated the lot is fairly flat, and that currently, there is a paved driveway on the property.

Mr. Ogren then presented to the Commission a map of the proposed home superimposed over the existing home on the lot. Mr. Ogren explained from a land-use standpoint, the project will be within 100-feet of the coastal bank and seawall, as well as in the buffer-zone of land in water. Mr. Ogren explained that the footprint of the house should not affect the buffer zone.

Mr. Ogren explained that in the proposal there are plans for the rebuilding of a seawall on the property. Mr. Ogren then showed the Commission photos of the existing home and the current seawall on the property. Mr. Ogren explained that the current wall appears to be built with mortar and that there were some additions made to it. Mr. Ogren went further to explain that wall is a parapet wall. Mr. Ogren also explained, using the map, the wave patterns and how the wall mitigated these patterns. Mr. Ogren also explained that the abutting neighbor have a poured concrete wall with a reflector cap on it. Using a map of the property, Mr. Ogren was able to show the Commission the location of the neighbor's wall and explained its size and location to the Commission.

Mr. Ogren stated that in the proposal there are plans for a new concrete wall. During construction, Mr. Ogren explained, that footings will be excavated for the wall to help anchor it, as well as drilling into the existing bedrock to add reinforced dowels. Once this is done, Mr. Ogren explained, a concrete wall will be poured and a deflector cap will be added. The max height of the wall Mr. Ogren stated will be 6-and-a-half feet, and then 18 inches for the deflector cap. Mr. Ogren explained there will be second wall which will replace the existing wall, with a stone and masonry wall, which will be higher, to be above the new walls reflector cap. Mr. Ogren then used a map to show the Commission the existing wall and where the proposed wall will be located. Mr. Ogren then went on to explain to the Commission that the architect for the project had asked for neater transitions on the wall, and then Mr. Ogren explained to the Commission how the parapet wall will be shaped and where it will be located.

Mr. Ogren showed the Commission an overhead view of the home on the presentation board. Mr. Ogren used this map to show where the wall will be located and demonstrated the pattern of the ocean in that location. Mr. Ogren then went on to explain the location of the rock cropping's near the home. Using a map, Mr. Ogren again demonstrated the wave patterns that occur and explained that the lot is located on a slight cove like area. Mr. Ogren mentioned that many of the homes abutting the property and in this area build high patios to mitigate the wave patterns. Mr. Ogren explained that this is why the wall will be built with a deflector cap, to help defer wave action.

Mr. Ogren stated to the Commission that in the proposal there are plans to cut down some trees on the property. Mr. Ogren mentioned there are a number of reasons why these trees are being cut down, and passed the presentation off to landscape architect James Emmanuel to explain further the proposed landscaping plans.

Mr. Emmanuel used a large landscape plan to help explain the plans for the property, regarding plantings and landscaping. Mr. Emmanuel explained the landscape plan as being simple, and stated the main components of the plan is that the driveway will be built in roughly the same location, but the plan calls for eliminating pavement, as well as adding a patio off the back of the proposed home. The plans also call for plantings to be added around the foundation and on the waterfront, but no evasive plantings. Mr. Emmanuel stated that the main focus of the landscaping plan is that multiple spruce trees with fungal diseases were planted very close together, and these will be coming down. Mr. Emmanuel explained that this determination was made after an arborist explained the trees were dead. Mr. Emmanuel explained that initially the plan was to replace the trees as to not disturb the roots, but the arborist recommended the removal of the trees and to replace the trees with an evergreen buffer in the same location. Mr. Emmanuel explained that during construction the stumps will be removed. Mr. Emmanuel explained the evergreen buffer will be planted more narrowly than the plantings before. Mr. Emmanuel also explained that there will be sections of lawn throughout the property, and that the proposal is looking to maintain two large pine trees that are healthy and help accent the property.

M. Andler asked Mr. Emmanuel if 14 trees are being removed from the property, Mr. Emmanuel explained that there are 14 trees on the property but that 12 are being removed. Mr. Emmanuel explained that the branch patterns of the trees are hazards and then explained why certain types of trees can't be planted there do to issues of contamination. M. Tamborini asked the timeframe on the trees succumbing to the disease? Mr. Emmanuel explained that if you are to look at the trees now, you will be able to see that the trees are succumbing and that the disease is lingering. Mr. Emmanuel stated that wind can be a hazard in this situation, and mentioned that during construction the trees will be removed. Mr. Ogren then mentioned that some of the trunks of the trees have split, and Mr. Emmanuel further explained some other hazards related to diseased and weakened trees.

T. Bandrowicz asked if there is any concern about taking the trees out of the resource area. Mr. Emmanuel stated that he did not think it was a resource area issue.

Mr. Ogren then handed to the Commission maps and details of how the concrete seawall will be reinforced and profile maps of the proposed wall. Mr. Ogren explained that these maps and details help better explain the location and areas where the project will be removing the parapet down to the cap. Mr. Ogren then further explained what the proposal will be doing with the proposed seawall.

M. Andler asked about the height of the proposed wall. Mr. Ogren explained that the new wall will be a foot higher than the existing wall. Mr. Ogren explained that the proposal tried to average the wall height, and that the goal was not to raise it, but to make the wall more attractive.

M. Andler then asked about stairs located near the wall. Mr. Ogren explained that the stairs near the wall will be kept, but that those stairs are currently located in an easement. Mr. Ogren then went into detail about the history of Lincoln House Point and the stairs current location. Mr. Ogren explained that the stairs will be left intact, but mentioned that some repair work could be done on the stairs. Mr. Ogren explained that the stairs landing is on the beach on top of a fairly large rock.

Mr. Ogren then used a map of the property to show the current ledge and mentioned that he was unsure how deep the ledge goes in depth. Mr. Ogren explained that Childs Engineering had previously dug two holes, and that he knows the ledge goes down at least 12 feet from the wall. Mr. Ogren explained the reasons why the proposed wall will be anchored in two ways in that location. Mr. Ogren mentioned the wall will be in similar detail to a wall located at the Preston Beach Motor Inn.

M. Andler asked if there will be a need for "sea pulls" on the wall. Mr. Ogren answered that the wall will have scuppers at the parapet level, due to the high probability of spray going over the top of the wall. Mr. Ogren continued to state that the proposed wall is designed to hold back hydrostatic pressure.

T. Bandrowicz mentioned that she was curious about details regarding the Wetland Protection Act, specifically why the proposal did not mention work in a "rocky intertidal area", as the sea wall is proposed constructed and worked on next to one, as she stated. Mr. Ogren, using a map of the existing conditions on the property, showed the high-tide line is above the elevation 6.8 and that a little bit of the beach is above that. Mr. Ogren mentioned that the little intertidal area was not listed because of its location next to the coastal bank, and that the coastal bank is where the buffer zone is measured. Mr. Ogren stated that only during construction will there be an effect on the intertidal area, and that concrete will be pumped in to help mitigate effects.

T. Bandrowicz asked if there will be extensive temporary work done on the beach area. Mr. Ogren explained again, the proposal of a poured concrete wall. Mr. Ogren explained there will be two ways to anchor the wall. One of which will be to put anchor ties in the existing wall or to brace the wall from the beach. Mr. Ogren stated he hopes that the contractor that constructs the wall will put form ties in and brace it that way. Mr. Ogren mentioned that only 18 inches at the base of the wall and a foot at the top will be added and explained other details of the additions as well.

T. Bandrowicz asked if there will be any effect on the intertidal area. Mr. Ogren answered no, and used a map of the property to explain. M. Tamborini asked how the wall will be anchored from the beach side and asked if there is the possibility of using timber. Mr. Ogren used a large map of the wall and property to explain how the process of using rock and timber and anchoring against a form can be done, but they wish not to do that. Mr. Ogren explained that the proposal for constructing a new home on the property was a perfect time to re-do the sea wall which did not look that good. Mr. Ogren explained that he did not believe there to be much stress on the current wall and that there is not much slump in the concrete. Mr. Ogren stated that a contractor had not been picked yet, but was hoping construction to start when the weather breaks in the spring. T. Ruskin via telephone asked for clarification on the property lines, and asked if the property line is to the wall, to which Mr. Ogren replied the deed is out to the mean high water mark. Mr. Ogren then used the property map and Locus to show the property lines. T. Ruskin asked if the mean low water line has changed over time based on the new FEMA maps. Mr. Ogren mentioned that the lines probably have changed, but explained why these changes would not affect any of the proposed work. T. Ruskin asked if the new wall will be 18 inches further out towards the ocean, to which Mr. Ogren answered yes, at the base. Mr. Ogren and T. Ruskin then discussed the location of a second set of steps on the eastern side and the proposed work line. Mr. Ogren explained that the existing wall from the steps to the beach will not be removed. T. Ruskin and Mr. Ogren discussed the wall proposal and work further. T. Ruskin asked Mr. Ogren if the property has access to the second set of stairs, to which Mr.

Ogren replied no, that there is a fence. T. Ruskin asked if the only steps the property can use are the set located in the easement. Mr. Ogren explained that it was his understanding, and that he did not see anything in the deed regarding the stairs. T. Ruskin mentioned that it looked like the wall has three layers to it and explained that it looked like the first layer was cement, then stone, then a third part. T. Ruskin asked if there are plans in the proposal for keeping the very bottom and the stone part. The Commission and Mr. Ogren then discuss the pictures and maps of the property to make sure both are discussing the same things. Mr. Ogren then showed a picture of large granite blocks, which he believes are the cap. Mr. Ogren then explained that the proposal is for removing the wall to that level and removing the toe protection near the beach.

Mr. Ogren then used a map to show the Commission where the solid rock is located. T. Ruskin asked if the steps in the easement will be left, to which Mr. Ogren replied that there is the possibility of doing some work to the stairs, but not building new ones. T. Ruskin asked if Mr. Ogren will need to speak to the Town Building Inspector about having a railing added to the stairs. Mr. Ogren explained that he would speak with the Building Inspector when the project goes for their building permit.

T. Ruskin mentioned that the Commission does not want stairs with railings because the railings can be ripped out by the ocean, and that the Commission has previously recommended seasonal stairs that can be removed in similar situations. Mr. Ogren stated that the Building Inspector would be asked. Mr. Ogren then used photos to show voids currently in the steps and mentioned the steps have other issues regarding building code. T. Ruskin mentioned the applicants should be aware of the issue with the stairs if they are to do work on them. Mr. Ogren mentioned he will speak with his clients, but reiterated that they do not own the steps.

T. Bandrowicz asked where material from excavation on the coastal beach will go, and the amount of material being excavated. Mr. Ogren, using a map of the property, explained the max depth is five feet. Mr. Ogren explained that if during excavation when the crews hit ledge, there might be a situation where dowels will be put in to anchor to the ledge to cut down on the issue of erosion. Mr. Ogren explained that he expects to hit ledge before five feet, but did not know for certain. Mr. Ogren continued to explain that if solid rock was only down a foot, then a dowel could be put in and then bring the grade back up. Mr. Ogren reiterated that the test pits previously dug by Childs Engineering went down 12 feet and did not hit ledge. T. Bandrowicz mentioned again that she is curious about where the material will go during excavation and concerned that it will go into the intertidal area. Mr. Ogren explained the beach is very rocky. T. Bandrowicz asked if heavy machinery will be used, to which Mr. Ogren replied that a mini excavator would most likely be used. M. Tamborini asked what could be done if a mini-excavator was not used. Mr. Ogren replied that the work would be done by hand, but that the excavator could not overhang dig from the yard because it is too far, and that during the excavators use the crews need to be careful on how it will get in and out of the tidal area. T. Ruskin asked where the work will be done, and Mr. Ogren explained that much of the work will be done on the ledge and will have to dig some to get to said ledge. M. Tamborini asked if a large excavator would need to be brought in to help move the mini-excavator up and down from the beach, Mr. Ogren replied they would. Mr. Ogren stated to the Commission that the lot consists of yard on slab. T. Ruskin asked if this kind seawall would fall forward if it gets pressure from the back. Mr. Ogren explained how the wall is proposed to be anchored. T. Ruskin asked about the hazards stemming from the existing wall, Mr. Ogren helped clarify for T. Ruskin. T. Ruskin asked Mr. Ogren to clarify for the Board how the proposal plans to prevent certain

hazards from happening. T. Ruskin explains that water can come over the wall and erode the yard and push the wall forward to which T. Ruskin states he is happy the applicants are fixing this hazard. Mr. Ogren used a map of the existing conditions and showed the Commission the towed concrete wall currently on the property and explained how the wall can erode over time, and then explained the new strategy of anchoring the wall. T. Ruskin asked if the wall will be able to withstand a 100-year storm, to which Mr. Ogren replied yes. Mr. Ogren mentioned that he has done a number of these types of walls before and as well as deflecting walls. M. Tamborini asked how long this work on the beach might take, and Mr. Ogren mentioned that he thought maximum amount would be around three weeks. Mr. Ogren continued to stated that the contractors would look to do the work in a time when the probability of a storm is less likely, usually in the summer. T. Ruskin asked if the work is going to have a damn while doing the concrete pouring to prevent tidal problems. Mr. Ogren mentioned that one is not proposed, and that if the forms are put in and the concrete is poured then the waves will not affect the concrete because the forms will protect it. T. Ruskin asked about the tide height, Mr. Ogren explained the tide is about a foot below the wall.

T. Bandrowicz mentioned that she had concern about if there would be adequate protection to the resource area when construction on the wall took place. T. Bandrowicz continued to state that she hoped that the best practical measures are taken to help minimize the effects. M. Tamborini mentioned that in the past, specific conditions can be added to the special conditions attached to the Order Of Conditions.

T. Bandrowicz read the summary of the work to be done and existing conditions and mentioned it seemed like the beach was currently a mess. Mr. Ogren used a photo of the beach and seawall to show that the beach is very rocky, especially near the tow protection. Mr. Ogren mentioned that he believes there is enough space on the beach to put material on during construction and not be in the intertidal area. Mr. Ogren also stated that he would look at the tides for the area.

Mr. Ogren then explained that in previous decisions he has seen a special condition added to the Orders of Conditions which states that before work is to state, everyone working on the project meets and clarifies the objectives and type of work that will be done. Mr. Ogren also explained that storms can happen at any time which can pose a hazard to the waterfront work. Mr. Ogren mentioned that it could be a good idea to have a pre-construction meeting with the Commission Members, the contractor and Mr. Ogren's engineering firm.

Mr. Ogren stated that if the depositing of material on the beach concerned the Commission then there are carriages that can be used which can help mitigate the hazard. But Mr. Ogren stated that this does not seem necessary. Mr. Ogren explained that he does not wish to dig test holes or break the tow protection before the winter and spring storm cycles. Mr. Ogren explained that the contractors are going to have to dig everything out and then review what is there and take a close look at the size of the grain material present, as finer grain soils are of a concern. Mr. Ogren stated that a condition could be added to have the contractor make sure they pay close attention to the grain sizes, M. Tamborini stated that sounds like a good plan.

T. Bandrowicz stated that a condition could be added that a meeting must take place before the work begins.

T. Bandrowicz then asked if sand will be brought in during the construction. Mr. Ogren explained that they are not looking to, and then reiterated the water front portion of the property

is very rocky. Mr. Ogren stated that there could possibly be sand underneath the rock. Mr. Ogren then hypothesized as to how the wall would be constructed if there was sand.

Mark Mahoney, former member of the Conservation Commission, and a resident of Swampscott was present to help relay any information to Mr. Pappas. Mr. Mahoney explained to the Commission the condition of the waterfront and beach during low tide and mentioned the different possible materials the contractors could find on the beach.

M. Andler mentioned that he is concerned about the demolition of the home taking place on the property. M. Andler asked if there will be a need for a plastic fence to keep debris from the ocean. Mr. Ogren stated that it would not hurt to install a fence to help keep different materials from getting blown around. Mr. Ogren stated that the Commission could certainly include a requirement in the conditions to keep a snow fence (type of plastic fence used) maintained at the top of the sea wall to stop debris from blowing into the ocean.

Mr. Ogren and the Commission quickly discussed the style of the home, and Mr. Ogren explained the lot was originally laid out in 1919.

Public was then opened.

M. Mahoney explained to the Commission that he is attending the hearing as a friend to Mr. Pappas. Mr. Mahoney mentioned that he had visited the property last fall when the remnants of a hurricane passed by. Mr. Mahoney mentioned that he was surprised by how sheltered the property is. Mr. Mahoney stated that most of the wave energy focused on the corner where the wall was higher, and then hit the neighbor's seawall. Mr. Mahoney mentioned to the Commission that plans for the seawall are very sound and the owners of the property (the Pappas) have done their research and have the best people to help them with the project.

There were no more comments from the Commission.

M. Tamborini motioned to close the public hearing, J. Simon seconded, public hearing was closed.

MOTION : by T. Bandrowicz to approve Orders Of Conditions for the NOI filed for 51 Lincoln House Ave, containing a finding of fact that there is a rocky intertidal resource area present, and to add the standard special conditions as well as some other special conditions. These other special conditions include; requirement that a snow fence be added, there be adequate protection of the resource area including the intertidal area, during excavation the stockpiling of materials needs to be off the beach and other measures must be taken to prevent damage or adverse effects, if proposal to add railing to beach stairs then must return to Commission but to first meet with Building Inspector, must maintain wall so not to come to Commission every time minor work needs to be done, and a condition regarding the timeline on wall maintenance, such as the one added for Preston Beach, seconded by M. Tambrini, unanimously approved.

Mr. Ogren mentioned that he can talk with the owners about putting a railing on the beach stairs, but was unsure about the easement regarding the stairs. Mr. Orgen also asked for a condition to be added that there be a pre-construction meeting, this was added.

T. Bandrowicz stated she would help draft the special conditions.

OTHER BUSINESS THAT PROPERLY COMES BEFORE THE COMMISSION

T. Bandrowicz explained to the Commission an upcoming ceremony at the February 15th Board of Selectmen meeting for Mark Mahoney and Nelson Kessler, honoring both for their volunteer service to the Town of Swampscott.

T. Bandrowicz then explained to the Board the current situation regarding the property at White Court in Swampscott. T. Bandrowicz explained that the Open Space Committee had drafted a second letter to the Board of Selectmen, asking the Town to look into purchasing the property. T. Bandrowicz and the Commission discussed the letter from the Open Space Committee.

MOTION : by T. Bandrowicz to write a letter from the Conservation commission to the Board Of Selectmen, unanimously approved by the Commission.

T. Bandrowicz then mentioned that she will be going to a MACC workshop and conference.

The Commission then quickly discussed the position of Vice-Chair of the Commission.

MOTION : by M. Tamborini to approve T. Bandrowicz as the Vice-Chair of the Commission, seconded by M. Andler, T. Bandrowicz unanimously approved as the Vice-Chair.

The Commission then discussed the Harold King Forest, and a potential presentation that might come before the Commission regarding the forest.

T. Bandrowicz mentioned to the Commission that she has spoken with the MACC regarding invasive species on a church property in Town.

REVIEW STANDARD SPECIAL CONDITIONS

The Commission then began discussion regarding language of the special conditions added to Orders of Conditions granted by the Commission.

T. Bandrowicz had previously drafted a revised version of the special conditions that can be added on to Orders granted by the Commission. T. Bandrowicz mentioned that she believes there should be general conditions added to ever Orders granted, that would cover many things. T. Ruskin mentioned that some of special conditions added now to some orders do apply, and that the Commission should be able to pick what conditions they would like to add, and which ones should not be added. T. Bandrowicz explained that some conditions should stay in the special conditions document, but as T. Ruskin previously mentioned there are some that are not needed in every situation. The Commission then discussed certain conditions and if they should be kept in, as they are general enough to fit most Orders. One condition that was discussed regarded work done on the water, and a condition restricting work during certain months and

weekends. T. Ruskin then mentioned that “unless emergency order” could also be added that would allow in some situation for work to be done during those times. T. Ruskin asked the Commission if they also had thoughts about these regulations. M. Andler stated the conditions should include the regulation of working around the tide cycle, and that time restrictions (i.e; specific times during the day) should not be added. T. Bandrowicz suggested to the Commission to review the revised conditions that she had drafted. T. Bandrowicz mentioned that some of the conditions are very general and could be added to any Orders, but that there are also some conditions that are very specific. T. Bandrowicz mentioned for an example a condition regarding erosion.

T. Bandrowicz asked the Commission members present to review the conditions again and at the next Commission hearing, to re-discuss the conditions. M. Tamborini mentioned that it would be nice to have titles for the sections of different conditions. M. Tamborini also mentioned that numbering the conditions would make it easier to add or withhold certain conditions.

APPROVAL OF THE DECEMBER 20th MEETING MINUTES

MOTION : by M. Andler to approve the December 20th, 2016 meeting minutes, seconded by M. Tamborini, unanimously approved.

The Commission then agreed upon Thursday March 9th, 2017 as the next hearing date.

MOTION : by M. Andler to end the meeting, seconded by T. Bandrowicz, unanimously approved.

Andrew Levin

Assistant Town Planner