

Conservation Commission Public Hearing – Aug. 30, 2018

Time: 7:30 PM – 8:55 PM

Location: Police Station, 2nd Floor

Members Present: Tom Ruskin, Chair; Toni Bandrowicz, Vice Chair; Colleen Hitchcock; and Randall Hughes (alternate);

Members Absent: Monica Lagerquist; Monica Tamborini; Jonathan Grabowski; Jennifer Simon; and Laura Spathanas (Selectmen Liaison)

Others present: Representatives of 15 Laurel Road, 75 Puritan Road, 179 Beach Bluff Ave., and 565 Humphrey Street Filings.

The meeting was called to order at 7:30 pm.

1. Approval of July 17, 2018 Minutes

The Commission approved the July 17, 2018 minutes by unanimous vote.

2. RDA – 15 Laurel Road

A request for a negative determination of applicability was filed by Margaret & Steven Copenhagen for construction of a new terrace, walkways, outdoor fireplace, fence and new plantings. As the project involves significant work, including removing, filling, and/or altering within the 100 ft. buffer zone of a protected resource area (inland pond and wetland), and, as without adequate conditions (including erosion control) the resource could be negatively affected, the Commission unanimously voted to issue a positive determination of applicability and require the submission of a Notice of Intent (NOI) as it has in similar situations, given also that to do otherwise would set bad precedent. T. Bandrowicz noted that this was in accordance with the Massachusetts Association of Conservation Commission which recommends that, if more than two or three conditions are required and/or if failing to abide by a condition would result in damage to a wetland, the Commission should issue a positive determination. She further noted that, by not submitting a NOI, notification to abutters would not be provided, and there would be no MassDEP file number issued, no signage required, no record kept in the registry, and no method of certifying compliance.

It was agreed that certain limited activity, such as removal of shrubbery and installation of an invisible fence (which would not require Commission approval), could move forward pending the NOI process. The consultant also noted that there was lawn and garden waste dumped on church property and, provided the owners have Church permission, can be removed. T. Bandrowicz noted that the Church had been advised of, and required to remove, such waste in the past.

Action: The Commission unanimously agreed and subsequently confirmed with a vote, that a NOI is required so issued a Negative Determination of Applicability.

3. NOI – 75 Puritan Road

Notice of Intent was filed by Hayes Engineering, Inc. for proposed seawall construction that will occur in Land Subject to Coastal Storm Flowage (LSCSF) and the Coast Bank (top of the sea wall), both subject to the jurisdiction of the Commission. The consultant provided copies of proof of abutter notice.

The performance standards for projects on Coastal Banks that are a vertical buffer to storm waters require that there be no adverse effect on the stability of the coastal bank, no prevention of the supply of sediment to beaches, and no adverse effect on rare species. While there are no performance standards associated with LSCSF, the Commission has authority to condition the project to protect the LSCSF interests protected by the Wetland Protection Act, namely preventing storm damage or additional flooding.

Given that the seawall is significant to storm damage prevention and/or flood control as a vertical buffer to storm waters, and given that the work proposed will preserve the seawall's damage prevention role, the Commission approved the project subject to the standard conditions included in Orders of Conditions. It was noted by T. Ruskin that, in order to prevent seawalls from failing, putting in pipes to allow drainage may be something that the applicant wishes to consider.

Action: The Commission unanimously agreed and subsequently confirmed by vote, that an Order of Conditions be issued.

4. NOI – 179 Beach Bluff Ave.

Notice of Intent filed for proposed work occurring in the outer edges of LSCSF including construction of a new garage expanded driveway and parking areas and a portion of a new in-ground pool. The consultant provided proof of notice to abutters.

The proposed work is outside the buffer zone of Coastal Bank or Beach resource areas, but a portion of the work falls within the LSCSF. While there are no performance standards associated with LSCSF, the Commission has authority to condition the project to protect the LSCSF interests protected by the Wetland Protection Act, namely preventing storm damage or additional flooding. The Commission found that the project will not add to flooding in the area and unanimously voted to issue an Order of Conditions.

Action: The Commission unanimously agreed and subsequently confirmed by vote that an Order of Conditions be issued.

5. Nelsen Kesler Memorial

T. Bandrowicz noted that Clifton Improvement Assoc. will donate a memorial brick for Nelson, just needed to know what it should say. Suggested that it say: *Nelson Kesler* –

Friend of Conservation Land – Conservation Commission [date] – [date]. She will check with Sue Duplin on the exact dates of Nelson's service on the Commission.

6. Eelgrass By-Law

T. Bandrowicz noted that an EPA employee had sent her information regarding by-laws that some towns are passing to protect eelgrass beds and suggesting that Swampscott look into having such a by-law. R. Hughes offered to look into, along with the assistance of J. Grabowski.

7. Ewing Woods Encroachment by 96 Kensington Lane

T. Bandrowicz noted that the property had been staked and a second letter for Town's legal counsel sent to the owner and she will check with both town inspector and attorney on if any response from the owner, or if any next steps necessary.

8. Commission Agent

. Following up on a discussion at the last meeting, T. Bandrowicz offered to send the Town Administrator and Selectmen a request for the Town to provide assistance to the Commission.

The meeting was adjourned at 8:45 pm.