



# CITY OF GLOUCESTER

## CONSERVATION COMMISSION

### Minutes

**WEDNESDAY August 7, 2013 - 7:00 PM**  
**City Hall, Kyrouz Auditorium**  
**Robert Gulla Chair**

**Members Present:** Robert Gulla, Chair, Ann Jo Jackson, Co Chair, Charles Anderson, Robert Sherman, Helene Shaw – Kwasi, John Feener, Barry Gradwohl- **Absent**

**Staff Present:** Stacey Carpenter, Assistant Conservation Agent, Pauline Doody, Recording Clerk

**Items may be heard out of listed order.**

**I.** 1-5 minutes, review of amended, updated or final information, status reviews, modifications, signing decisions etc.

**II. PUBLIC COMMENT - None**

**III MINUTES REVIEW**

The commission agreed to review minutes at the August 21, 2013 meeting.

**IV Block 1\***

**A. Amended Order 28-2127 13 Rogers Street:** Submitted by the City of Gloucester for the purpose of installing pilings/piling repair at 5 locations:

- 1.) 375 Main Street
- 2.) 63 Rogers Street
- 3.) 6 Cripple Cove Lane
- 4.) 6 Rowe Square

**Jim Caulkett, Gloucester Harbormaster**

**Mr. Caulkett** explained that the additional filings are added to the original filing for 13 Rogers St. 10 pilings per calendar year per site.

**Public comment: None**

**Motion: Approval to amend order 28-2127 13 Rogers Street, submitted by the City of Gloucester for the purpose of installing pilings/piling repair at 4 locations to include: 375 Main Street, 63 Rogers Street, 6 Cripple Cove Lane, 6 Rowe Square**

**1<sup>st</sup>: Ann Jo Jackson**

**2<sup>nd</sup>: Charles Anderson**

**Vote: Approved 6-0**

**B. NEW RDA 24 Wolf Hill Way:** Submitted by Roger Hybels for adding an additional float segment to a dock with existing license. (Map 88, Lot 17.)

**Presenter: Roger Hybels, 24 Wolf Hill Way**

**Mr. Hybels** informed the board that submitted his application on February 11, 2013 and a site visit was not held until July. He stated the communication between himself and the Conservation Department has been horrible.

**Commission Comments:**

**Mr. Gulla** explained that the new float will need standoff so it doesn't ground out at low tide. The shellfish constable requires it. It may require a site visit from the Conservation Agent prior to work starting. The standoff need to be 18" extended from the bottom of the float.

**Public Comment: None**

**Conditions:**

- **Standoffs required**
- **Construction to adhere to Dave Sargent's, Shell Fish Constable standards**
- **Future work on existing floats will need standoffs and new material must be non toxic**

**Motion: Negative Determination for the project at 24 Wolf Hill Way, submitted by Roger Hybels for adding an additional float segment to a dock with existing license. (Map 88, Lot 17.)**

**1<sup>st</sup>: John Feener**

**2<sup>nd</sup>: Ann Jo Jackson**

**Vote: Approved 6-0**

**C. NEW RDA 75 Essex Ave:** Submitted by Cape Ann Marina Corp for removal of a propane tank and installation of a propane tank. (Map 217, Lot 23)

**Presenter: Tobin Dominick, 75 Essex Ave**

**Ms. Tobin** explained she received an order from the fire department to remove the above ground propane tank and install underground. The work has been completed.

**Commission Comments:**

**Mr. Gulla** asked what the buoyancy control mechanism was.

**Ms. Dominick** stated a 6 inch pad of concrete with rebar and straps to hold it down was installed. The work was done by Ryan Strong and the gas company.

**Mr. Feener** requested a narrative from Strong Group of how the work was done.

**Public Comment: None**

**Conditions:**

- **Letter from Strong Group as to how work was done.**

**Motion: Negative Determination for 75 Essex Ave, submitted by Cape Ann Marina Corp for removal of a propane tank and installation of a propane tank. (Map 217, Lot 23)**

**1<sup>st</sup>: Ann Jo Jackson**

**2<sup>nd</sup>: Robert Sherman**

**Vote: Approved 6-0**

**D. Continued RDA-1365 462 Essex Street:** Submitted by Jeffrey French for the removal of invasive species from a mitigation area. (Map 208 Lot 8)

**Presenter:** No one present

**Commission Comments:**

**Mr. Gulla** informed the commission that a site visit was held and the landscaper on site was there doing other work. He was informed that work must be stopped and a maintenance plan must be put in place to manage the site. There is now an opportunity to control the invasives and allow the understory to grow. A plan is to be submitted.

**Motion: To continue the project at 462 Essex Street: Submitted by Jeffrey French for the removal of invasive species from a mitigation area. (Map 208 Lot 8) to September 4, 2013.**

**1<sup>st</sup>: Ann Jo Jackson**

**2<sup>nd</sup>: Charles Anderson**

**Vote: Approved 6-0**

**E. Continued Amended Order of Conditions: #28- 2070 15 Totten Lane:** Submitted by Chris Petersen for work to enlarge a mitigation plan, relocate access further from the resource, install water cisterns

**Presenter: Isaac Rowe, Mill River Consulting 6 Sargent S**

**Mr. Rowe** explained the modifications to the original plan. Part of the existing deck will be removed with 3 steel columns and redistributed to it to a small covered entry. The deck and stairs have been made smaller. The roof runoff will be managed with a rain garden. On original planting plan was changed and made it 100 sf larger. There is greater than 3-1 ratio for mitigation.

**Commission Comments:**

**Mr. Feener** requested a maintenance plan for the existing invasives on site. They are to be maintained within 15 feet from the house. He also requested 5 trees to be planted with 3 grouped together.

**Public Comment: None**

**Conditions:**

- **5 trees to be planted with three grouped together**
- **Maintenance plan within 15 feet of house & behind for invasives control**

**Motion: Approval of the Amended Order of Conditions for #28- 2070 15 Totten Lane, submitted by Chris Petersen for work to enlarge a mitigation plan, relocate access further from the resource, install water cisterns**

**1<sup>st</sup>: John Feener**

**2<sup>nd</sup>: Helene Kwasié**  
**Vote: Approved 6-0**

**F. NEW Amend Order of Conditions: 79 Eastern Point Boulevard** Submitted by Joseph Hadley to install stormwater design, minor house footprint modification and patios. (Map136, Lot 8).

**Presenter: Dan McRiche, Exeter, NH**

**Mr. McRiche** explained that the existing order was approved in January 2013. Construction has been ongoing for 6 months. There are minor changes to the architecture and hardscaping. The largest change is in the drainage configuration on the ocean side of the house. The ocean side of the house will be terraced with an infiltration area built inside the wall. He stated the increase of impervious will be 600-700 s.f.

**Commission Comments:**

**Mr. Gulla** expressed concern regarding the large increase in impervious. He stated 2-1 mitigation will be needed. The infiltration system is not used as mitigation. More vegetation is needed on the site to give back to the environment.

**Public Comment: None**

**Motion: To continue the project at 79 Eastern Point Boulevard submitted by Joseph Hadley to install stormwater design, minor house footprint modification and patios. (Map136, Lot 8) to August 21, 2013.**

**1<sup>st</sup>: Robert Sherman**

**2<sup>nd</sup>: Ann Jo Jackson**

**Vote: Approved 6-0**

**C. Continued NOI #28-2282 8 Sea Rule Lane:** Submitted by Tom Cronin for removal of an existing single family house and construction of a new single family house. (Map 202, Lot 2)

**Presenter: Bill Manuell, Wetlands & Land Management, Danvers**

**Mr. Manuell** informed the board that a site walk was held August 3 and it was agreed that the trees being removed are damaged and diseased. A revised plan has been submitted. The parking area has been shrunk and relocated. 4 trees will be removed with an increase in a variety of plantings. Owner allowed to remove up to 10% of live tissue of overall canopy.

**Public Comment: None**

**Conditions:**

- **Owner allowed removing up to 10% of live tissue of overall canopy.**

**Motion: Approval of the project at 8 Sea Rule Lane, submitted by Tom Cronin for removal of an existing single family house and construction of a new single family house. (Map 202, Lot 2)**

**1<sup>st</sup>: John Feener**  
**2<sup>nd</sup>: Charles Anderson**  
**Vote: Approved 6-0**

**D. Continued ANRAD #28-2283 37 Niles Pond Rd:** Submitted by Society of Jesus of New England C/O Rev. William Ryan for the determination of resources located. (Map 135 Lot 2)

**Motion: To continue the project at 37 Niles Pond Rd, submitted by Society of Jesus of New England C/O Rev. William Ryan for the determination of resources located. (Map 135 Lot 2) to August 21, 2013.**

**1<sup>st</sup>: Ann Jo Jackson**  
**2<sup>nd</sup>: Helene Kwasié**  
**Vote: Approved 6-0**

**V. Block 2\***

**A. Continued - #28-2269-The Fort Improvements Project -Commercial St., Fort Square, Pascucci and Beach Courts** Notice of Intent submitted by City of Gloucester, DPW., to conduct infrastructure and roadway improvements in the buffer to a coastal resource area. (Maps 1, 2, & 7). **WITHDRAWN**

**Motion: To accept the application withdrawal for #28-2269-The Fort Improvements Project -Commercial St., Fort Square, Pascucci and Beach Courts Notice of Intent submitted by City of Gloucester, DPW., to conduct infrastructure and roadway improvements in the buffer to a coastal resource area, (Maps 1, 2, & 7) without prejudice.**

**1<sup>st</sup>: Ann Jo Jackson**  
**2<sup>nd</sup>: Helene Kwasié**  
**Vote; Approved 6-0**

**B. NEW AFTER THE FACT NOI: #28-2289 6 Rowe Square:** Submitted by Gloucester Marine Terminal for After the Fact repairs to 9 pilings. (Map 11, Lot 4)

**Presenter: Peter Boudreaux,**

**Mr. Boudreaux** explained that the maintenance was needed for the whalers, fenders, and pilings. The owner was not aware that an NOI had to be filed. The fenders and whalers were worn and pilings were snapped. The pilings were pulled out and new ones driven in in front of the deck.

**Commission Comments:**

**Mr. Feener** requested a copy of the bid for the work or a letter from the company who did the repairs explaining how the work was done. He also requested a letter from the Harbormaster stating his approval of the work.

**Public Comment: None**

**Conditions:**

- Letter/ Bid from marine company who did repairs explaining how it was done
- Harbormaster approval

**Motion: Approval for AFTER THE FACT NOI: #28-2289 6 Rowe Square, submitted by Gloucester Marine Terminal for After the Fact repairs to 9 pilings. (Map 11, Lot 4)**

**1<sup>st</sup>: Ann Jo Jackson**

**2<sup>nd</sup>: Charles Anderson**

**Vote: Approved 6-0**

**C. NEW NOI- #28-2286 10 Oakes Avenue:** Submitted by Norman Neves to upgrade and install a sanitary system. (Map 166, Lot 46)

**Presenter: Isaac Rowe, Mill River Consulting**

Mr. Rowe explained the project is to upgrade an existing septic. Its within 100 feet of coastal bank. It will be in the same location with additional tanks and a treatment system.

**Public Comment: None**

**Motion: Approval of the project at 10 Oakes Avenue, submitted by Norman Neves to upgrade and install a sanitary system. (Map 166, Lot 46)**

**1<sup>st</sup>: Ann Jo Jackson**

**2<sup>nd</sup>: Charles Anderson**

**Vote: Approved 6-0**

**D. NEW NOI #28-2291 424 Washington Street:** Submitted by Gregg Shupe to replace a seawall. (Map 109. Lot 19)

**Presenter: John Judd, Gateway Consultants**

Mr. Judd explained that the repair will be for 175 feet of seawall. It will be restacked with 2x2x3 granite blocks to replace the existing mortared wall. It will be in the same location.

**Commission Comments:**

Mr. Feener requested 12-16 inch high vegetation be planted on top of the wall.

**Public Comment: None**

**Motion: To continue the project at 424 Washington Street, submitted by Gregg Shupe to replace a seawall. (Map 109. Lot 19) to August 21, 2013.**

**1<sup>st</sup>: Helene Kwasié**

**2<sup>nd</sup>: Robert Sherman**

**Vote: Approved 6-0**

**E. NEW Amend Order of Conditions 2R Cambridge Ave:** Submitted by William Burke to modify platform design. (Map136, Lot 8).

**Presenter: John Judd, Gateway Consultants**

**Mr. Judd** explained that there is a new owner of property. There is a Chapter 91 permit. The owner would like to eliminate the platform and attach directly to the ledge because of structural issues.

**Commission Comments:**

**Ms. Jackson** questioned if the height of the platform had to match the width of the platform. It was agreed that Ms. Press will review it at the upcoming site visit.

**Public Comment: None**

**Motion: To continue the project at 2R Cambridge Ave, submitted by William Burke to modify platform design. (Map136, Lot 8) to August 21, 2013.**

**1<sup>st</sup>: Robert Sherman**

**2<sup>nd</sup>: Helene Kwasi**

**Vote: Approved 6-0**

**F. NEW NOI 30 Castleview Drive:** Submitted by Frank Sherkenbach to construct a portion of a carriage house. (Map 254, Lot 129)

**Presenter: John Judd, Gateway Consultants**

**Mr. Judd** explained that the project is sited on 8 acres and is filed under the local ordinance only. There is marsh with ACEC. ½ of the carriage house will be in the 300 foot buffer zone. 750 s.f. will be in the commissions jurisdiction The carriage house will be 50x30. There is no tree removal and no potential for erosion.

**Commission Comments:**

**Mr. Feener** requested that 4-5 shrubs be planted near the foundation to help with the runoff from the carriage house.

**Public Comment: None**

**Conditions:**

- **A mass of 5 shrubs to be planted along foundation within the lowest point of elevation of the commission jurisdiction.**

**Motion: Approval for the project at 30 Castleview Drive, submitted by Frank Sherkenbach to construct a portion of a carriage house. (Map 254, Lot 129)**

**1<sup>st</sup>: Ann Jo Jackson**

**2<sup>nd</sup>: Robert Sherman**

**Vote: Approved 6-0**

**G. NEW NOI #28-2290 47 Riverview Road:** Submitted by Frank McCormick to construct a single family house with appurtenances, grading and landscaping. (Map 94, Lot 16)

**Presenter: John Judd, Gateway Consultants**

**Mr. Judd** explained the site to be a 6000 s.f. vacant lot. The dwelling is 28x43 with a portion of the dwelling and grade adjacent to River Road. In a meeting with Paul Keene, he suggested the remaining 30% go under restriction for any tree removal. There is a drainage drywell in the back yard. Several trees will be removed. Off site mitigation is an option. There is not room on the lot for mitigation. The Alternative Analysis is done. Mr. Judd reviewed the Alternative Analysis with the commission.

**Commission Comments:**

**Mr Feener** requested the applicant to submit a mitigation plan to the commission.

The commission approved the Alternatives Analysis 6 in favor 0 opposed.

**Public Comment:**

**Susan Krupanski, 45 Riverview Road.**

**Ms. Krupanski** stated concern that the house is too big for the lot. It could be drainage issues. The area is all ledge and the site may require blasting. She stated her property had a deed restriction. The sewer line is a private.

**Motion: To continue the project at 47 Riverview Road, submitted by Frank McCormick to construct a single family house with appurtenances, grading and landscaping. (Map 94, Lot 16) to August 21, 2013.**

**1<sup>st</sup>: Helene Kwasié**

**2<sup>nd</sup>: Ann Jo Jackson**

**Vote: Approved 6-0**

**VI. Block 3\***

**A. Continued NOI: #28-2280 937 Washington Street:** Submitted by John & Patricia Austin, site location for installation of seasonal float and ramp. (Map 157 lot 26).

**Motion: To continue the project at 937 Washington Street, submitted by John & Patricia Austin, site location for installation of seasonal float and ramp, (Map 157 lot 26) to August 21, 2013.**

**1<sup>st</sup>: Ann Jo Jackson**

**2<sup>nd</sup>: Robert Sherman**

**Vote: Approved 6-0**

**B. Continued NOI: #28-2266 239 Eastern Avenue:** submitted by McMark Realty Trust to pave an access way, install utilities, retaining walls and drainage structures. (Map 161, Lots 9-11)

**Motion: To continue the project at 239 Eastern Avenue, submitted by McMark Realty Trust to pave an access way, install utilities, retaining walls and drainage structures. (Map 161, Lots 9-11) to August 21, 2013.**

**1<sup>st</sup>: Ann Jo Jackson**

**2<sup>nd</sup>: Helene Kwasié**

**Vote: Approved 6-0**

**E. Continued #28- 2284 12 Baker Street:** Submitted by Eleanor McGrath for the construction of a single family house, driveway, and utilities and landscaping (Map 36, Lot 37). **CONTINUED AT REQUEST OF APPLICANT TO AUGUST 21**

**Motion: To continue the project at 12 Baker Street, submitted by Eleanor McGrath for the construction of a single family house, driveway, utilities and landscaping (Map 36, Lot 37) to August 21, 2013.**

**1<sup>st</sup>: Ann Jo Jackson**

**2<sup>nd</sup>: Charles Anderson**

**Vote: Approved 6-0**

**F. Continuation #28- 2285 NOI 58 Commercial Street:** Submitted by J. Michael Faherty to install 14 new batter piles. (Map 1 lot 73).

**Presenter: Michal Faherty,**

**Mr. Faherty** explained the site. The area has a series of bulkheads under the soil. A sheet pile was installed and tied back to the original piles. The two sheet piles were attached to each other. Inflection has occurred and they have tipped outward. The property is subject to an AUL. The proposed plan is to drive timber piles in at an angle. It will be 3 feet off the sheet pile and attached. The soil will be stockpiled on a tarp and replaced after the pile is driven in. The piles material will be non pressure treated wood with a mechanical fitting. The work will be done from a barge in the water. The Harbormaster is aware of the project and will be visiting the site.

**Commission Comments:**

The commission would be comfortable with receiving a letter form the Harbormaster with his approval and comments.

**Public Comment: None**

**Conditions:**

- Letter from harbormaster
- Soils & stockpiled material on dock will be tarped to protect from migration

**Motion: To approve the project at 58 Commercial Street, submitted by J. Michael Faherty to install 14 new batter piles. (Map 1 lot 73).**

**1<sup>st</sup>: Ann Jo Jackson**

**2<sup>nd</sup>: Charles Anderson**

**Vote: Approved 6-0**

## **VII. AGENT'S REPORT ON VIOLATIONS**

**A.** 16 Brierwood Street, Ramsey

16 Brierwood was tabled until the August 21, 2013 meeting.

**B.** Requests for Certificates of Compliance

a. 28-2016 109 Wheeler Street

- b. 28-2110 109 Wheeler Street
- c. 28-1417 93 Wingersheek
- d. 28-2162 37 Wingersheek

**Motion: Approval for Certificates of Compliance 28-2016 109 Wheeler, Street, 28-2110 109 Wheeler Street, 28-1417 93 Wingersheek, 28-2162 37 Wingersheek**

**1<sup>st</sup>: John Feener**

**2<sup>nd</sup>: Charles Anderson**

**Vote: Approved 6-0**

**Motion: Adjournment**

**1<sup>st</sup>: Charles Anderson**

**2<sup>nd</sup>: Ann Jo Jackson**

**Vote: Approved 6-0**

**\*Please note that items may be taken out of order.**

If you would like additional information regarding the review status of a particular item, please contact the Community Development Conservation Department at 978-281-9781.

Additional information can also be obtained on the Conservation Web Page at [www.gloucester-ma.gov](http://www.gloucester-ma.gov) Click Community Development for a link to Conservation.

**Commission Members: If you are unable to attend the meeting, please contact the Community Development office at 978-281-9781 or send Lisa or Marie an e-mail**