



CITY OF GLOUCESTER

CONSERVATION COMMISSION

MINUTES

WEDNESDAY January 15, 2014 - 7:00 PM
City Hall, Kyrouz Auditorium
Robert Gulla Chair

Members Present: Robert Gulla, Chair, Ann Jo Jackson Co Chair, John Feener, Barry Gradwohl, Charles Anderson, Helene Shaw-Kwasie, Robert Sherman- **Absent**
Staff: Lisa Press, Agent, Pauline Doody, Recording Clerk

Opened the meeting at 7:01 pm

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

3 Aileen Terrace: Review of Conditions

Ms. Press stated that special conditions are not needed. The third party reviewer stated the narrative presented by the applicant should be followed.

Conditions:

- No additive to water
- Restrict use of UV treatment of water
- Narrative submitted by applicant to be followed

Motion: To approve the project at 3 Aileen Terrace

1st: Barry Gradwohl

2nd: John Feener

Vote: Approved 5-0 with Ms. Jackson abstaining.

II. PUBLIC COMMENT-

Ellison Law Office, Deborah Ellison, 63 Middle Street

Attorney Ellison stated she was just retained on this matter regarding Ipswich Bay Homestead LLC owner of 49 Norwood Heights. An application for 49 Norwood Heights was before the commission several weeks ago, the NOI was approved and the hearing closed. Two days later an email was received from the agent stating that the permit would not be issued because of CZM comments. Attorney Ellison stated that CZM comments are irrelevant at this point. The commission should have consulted with them prior to approving and closing the hearing. The agent stated there was a question of ownership of land where some of the work is to be done. Attorney Ellison stated the owner of the land is Norwood Heights Trust which has given permission for the work to be done. The owner of 49 Norwood Height gave an indemnification agreement for the work to be done. Attorney Ellison stated her concern is whether this is a way to force the applicant to agree to post CZM conditions. She stated her client is considering an appeal.

Ms. Press stated that it did not have to do with the CZM comments. The wall was drawn on land beyond the paper road which is not owned by the client or Norwood Heights. It was noticed after the vote. A permit cannot be issued that is on Commonwealth land. Ms. Press stated she would be happy to meet with Attorney Ellison and her client to review the documents. If the wall is on their land she would issue the permit.

Attorney Ellison read from the deed and stated that the commission does not have the authority to determine ownership. She stated that if her client is wrong, it is up to a private party or the Commonwealth to make complaint about work done. The time frame is critical and the order should have already been issued.

Mr. Gulla stated that documentation showing ownership is to be brought to Ms. Press and the issue will be corrected if needed. The commission does not issue orders at meetings.

Ms. Press stated she spoke with Suzanne Egan and the information should be put in writing and then will be presented to Ms. Egan for review. If they own the land there is no problem with issuing the order. The 10 day appeal period runs 10 days after the order has been issued. It has not been issued so the applicant has not lost any rights.

Attorney Ellison did not agree and stated she will present the information as requested to Ms. Press.

III MINUTES REVIEW

Motion: To approve the minutes of December 18, 2013

1st: Barry Gradwhol

2nd: John Feener

Vote: Approved 5-0 with Ms. Jackson abstaining

IV Block 1*

A). NEW NOI: #28-2314 2 Windward Pt., Submitted by Matthew Moynahan (Represented by Mill River Consulting) new dock, gangway and float system in coastal resource areas. (Map 131, Lot 29)

Presenter: Dan Ottenheimer, Mill River Consulting

Mr. Ottenheimer stated the project has 3 parts. 1) The existing stairs have eroded and will be repaired in the exact location. 2) Flagpole installation. 3) Fixed pier, ramp, and float system. The ramp will have spacing for water and light to pass through. The floats will be in deep water attached with helix anchors to be used with elastic straps. The construction will happen in three separate phases. It will be required that the contractor monitor the weather. If there is any precipitation that will occur within 3 days work will be halted. All debris from steps, concrete etc. is to be removed and taken offsite. Mr. Ottenheimer explained that the pier construction is over a closed shellfish area and land subject to coastal storm flooding.

Commission Comments:

Ms. Press stated that DMF comments came in and they were unclear if the project was in an eelgrass area or not. Ms. Press read the DMF comments to the commission.

Mr. Ottenheimer stated that he had met with the Shellfish constable and Harbormaster along with a retained wetland scientist which reported that there are eelgrass beds. The eelgrass beds are not near the proposed pier and dock.

Mr. Feener asked for the distance from the eelgrass to pier and dock.

The commission discussed the size and amount of floats; the concern being the intensity of use. The additional floats are needed for safety.

Mr. Ottenheimer stated there will be only one boat on the dock.

Mr. Feener stated it can be conditioned that there be only one boat permanently on dock.

Matthew Moynaham stated that the area already has heavy traffic. It is in a mooring field. He stated he would like to be able to have guest put boats on the dock. The intent is not to have several boats on the dock.

Ms. Press would like the applicant or consultant to write a response to the DMF comments regarding their concerns for the file. She also questioned what type of mitigation will be done for the platform near the coastal bank.

Mr. Feener requested shade tolerant plants to be planted near the concrete platform.

Public Comments: None

Condition”

- **Mitigation near concrete platform**
- **Letter to DMF addressing comments**
- **One permanent boat on dock.**
- **Stairs to be repaired to remain same size and number**

Motion: To continue the application for 2 Windward Pt., new dock, gangway and float system in coastal resource areas. (Map 131, Lot 29) to February 5, 2013.

1st: Barry Gradwohl

2nd: Helene Shaw-Kwasie

Vote: Approved 6-0

B). NEW NOI: #28- 2311 16 Wiley Street Submitted by Matt Marchant of Todd Main Company (Represented by Mill River Consulting) to rebuild a chimney and repair a deck. (Map 129, Lot 09)

Presenter: Dan Ottenheimer, Mill River Consulting

Mr. Ottenheimer stated there are 2 aspects to the project. 1) The existing deck metal fasteners need to be replaced. It will be one day's work. 2) The construction of a chimney for an interior fire place. It will be hand dug and mounted on the ledge outcrop. All debris and construction will be in driveway. To protect the resource, blue construction tarps will be installed to catch debris.

Commission Comments:

Mr. Feener stated he would like the finished grade of the area around chimney to be the same as it exists now.

Conditions:

- **Magnetic sweep**

Public Comments: None

Motion: To approve the project at 16 Wiley Street to rebuild a chimney and repair a deck. (Map 129, Lot 09)

1st: Barry Gradwohl

2nd: John Feener

Vote: Approved 6-0

C). NEW NOI: 9 Dolliver Neck Rd Submitted by Albert Ellis (Represented by Griffin Engineering) to repair a deteriorated stone revetment and the construction of a new shed in the buffer zone to coastal bank and bordering vegetated wetlands. (Map 201, Lot 64)

Presenter: Bob Griffin, Griffin Engineering. Beverly Ma.

Mr. Griffin stated damage was sustained from last spring's storms and repairs are needed. To do the work an excavator will need to get on the embankment. It is a gravelly beach. A 12x24 shed has already been installed. It is after the fact. Mr. Griffin stated he believes that the applicant misunderstood my guidance. He explained the site to the commission and how it withstands large storms and the flood zones associated with it. He stated supplemental rock will be brought in to rebuild.

Commission Comments

Mr. Gulla stated the day that work commences the agent is to come by the site.

Mr. Gradwohl and Mr. Feener requested mitigation for the shed installation.

The commission explained the reasoning for the plantings and also it will be an opportunity to mitigate for the shed. It is for stabilization.

Public Comments: None

Conditions:

- **16 inches height of plantings along the revetment**
- **Stone drop location on drawing**
- **If there is turning back and forth on site by machinery; ground protection of plywood boards will be installed.**
- **Spill kit on site**
- **No mining of stone**

Motion: To approve the project at 9 Dolliver Neck Rd to repair a deteriorated stone revetment and the construction of a new shed in the buffer zone to coastal bank and bordering vegetated wetlands.

(Map 201, Lot 64)

1st: John Feener

2nd: Barry Gradwohl

Vote: Approved 6-0

D) NEW NOI: #28-2312 102 Magnolia Avenue, Submitted by Dean Mould (Represented by Gateway Consulting) of to construct a new garage/barn in the Riparian Zone. (Map 194, Lot 17 and 24)

Presenter: John Judd Gateway Consultants.

Mr. Judd stated the applicant would like to construct a barn/garage to store equipment. A bio-retention swale and rain garden is being proposed. There is limited access to the property and setbacks need to be maintained. The riparian zone will be better because of project. It is all previously developed riverfront area. It has submitted to engineering, but comments have not been received yet.

Commission Comments:

Ms. Press stated the project does not meet the standards for previously developed; nothing is built, no foundation etc. However, this application does not need that caveat to move this project forward. It is in the outer riverfront and mitigation is being done. The order cannot be issued until Paul Keene's issue his memo.

Mr. Feener stated concern that the structure might be oversized. He asked if it could be reduced or moved away from resource.

Mr. Judd explained that there is a substantial amount of material. He is a commercial fisherman with a lot of equipment that must be stored. The location is for the ability to be able to maneuver trucks and trailers into the building.

Mr. Feener also voiced concern regarding the location of the rain garden stating it may alter the charge for native species below it. He asked to locate the rain garden where the oak tree was and have plantings where rain garden is located on plan.

The commission discussed the best area for the rain garden, its location and size.

Public Comments: None

Conditions:

- **Engineering to approve project**
- **No equipment to be stored behind or side of barn. Only allowed in front.**

Motion: To approve the project at 102 Magnolia Avenue, of to construct a new garage/barn in the Riparian Zone. (Map 194, Lot 17 and 24)

1st: John Feener

2nd: Barry Gradwohl

Vote: Approved 6-0

E) NEW NOI: #28-2313 63 Rogers Street Submitted by Leonard Linquata (Represented by Self) to repair and replace pilings and portions of a pier. (Map 7, Lot 1)

Motion: To continue the project for 63 Rogers Street Submitted by Leonard Linquata (Represented by Self) to repair and replace pilings and portions of a pier. (Map 7, Lot 1) to February 5, 2014.

1st: John Feener

2nd: Helene Shaw-Kwasie

Vote: Approved 6-0

V. Block 2*

A). Continued NOI: 18 Shore Road: Submitted by Jon von Tetzchner (Represented by DeRosa Environmental) for the construction of a terrace, patio, in-ground pool, relocation of septic system piping, fishing support structure, walkway re-alignment and plantings. (Map 167, Lot 45)

Continued to February 5th at the Request of the Applicant

Motion: To continue the project at 18 Shore Road: Submitted by Jon von Tetzchner (Represented by DeRosa Environmental) for the construction of a

terrace, patio, in-ground pool, relocation of septic system piping, fishing support structure, walkway re-alignment and plantings. (Map 167, Lot 45) to February 19, 2014.

1st: John Feener

2nd: Barry Gradwohl

Vote: Approved 6-0

B.) Continued NOI #28-2254 31 Stanwood Avenue: Submitted by Michelle Tallgrass (Represented by Seekamp Environmental Consulting) for the construction of a single family house. (Map 230 Lot 157)

Continued to February 5th at the Request of the Applicant

Motion: To continue the project at 31 Stanwood Avenue: Submitted by Michelle Tallgrass (Represented by Seekamp Environmental Consulting) for the construction of a single family house. (Map 230 Lot 157) to February 19, 2014.

1st: John Feener

2nd: Barry Gradwohl

Vote: approved 6-0

C.) Continued NOI #28-2255 33 Stanwood Avenue: Submitted by Jackie Misuraca (Represented by Seekamp Environmental Consulting) for the construction of a single family house. (Map 230 Lot 158)

Continued to February 5th at the Request of the Applicant

Motion: To continue the project at 2255 33 Stanwood Avenue: Submitted by Jackie Misuraca (Represented by Seekamp Environmental Consulting) for the construction of a single family house. (Map 230 Lot 158) to February 19, 2014.

1st: John Feener

2nd: Barry Gradwohl

Vote: Approved 6-0

CERTIFICATES OF COMPLIANCE

A. #28-02 63 Rogers Street

B. #28-84 63 Rogers Street

C. #28-718 63 Rogers Street

Motion: To approve the Certificates of Compliance for 63 Rogers St.

1st: Helene Shaw- Kwasia

2nd: Charles Anderson

Vote: Approved 6-0

Motion: To adjourn

1st: Helene Shaw-Kwasie

2nd: Ann Jo Jackson

Vote: Approved 6-0