

CITY OF GLOUCESTER CONSERVATION COMMISSION MINUTES

WEDNESDAY February 19, 2014 – 7:00 PM
City Hall, Kyrouz Auditorium
Ann Jo Jackson, Chair

Members Present: Ann Jo Jackson, Chair; John Feener, Barry Gradwohl, Charles Anderson, Helene Shaw-Kwasie, Robert Sherman, Robert Gulla – [Absent](#)

Staff: Lisa Press, Agent; Maria Puglisi, Substitute Recording Clerk

Chairperson Jackson called the meeting to order at 7:04 p.m.

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

1.) 2 Windward Point: Response to DMF Comments

Presenter: Matt Moynihan, Owner

Mr. Moynihan stated that he is working with Dan Ottenheimer of Mill River Consulting and that he is appearing as a follow-up to the January meeting where he was asked to make some modifications to the designs, specifically measurements for eelgrass, excavation details around the flagpole on the width and the care that would be taken to remove soil, etc. in the area, and specifications around the dock, including documentation that it would be a single permanent vessel.

Ms. Press stated that the responses to DMF addressed all of the questions, including the boat route. She noted that she cannot control where people drive their boats through the eelgrass.

Public Comments: None

Motion: To approve the project at 2 Windward Point with the stipulations discussed previously.

1st: Barry Gradwohl

2nd: Charles Anderson

Vote: Approved 5-0 with Mr. Sherman abstaining

2.) Minor Modification: Beauport Gloucester

Presenter: John Cunningham, 59 Main Street, Gloucester, MA

Mr. Cunningham stated that the original approval was appealed and a superseding order was issued by DEP. Over the past few months, they have been able to reach agreements with the appealing parties, which results in the location of the sea wall being moved back an additional ten feet. The sea wall would be pile supported rather than on sheet piles, it would have a rounded top, and it would be beveled rather than vertical. The concrete walkway that was in the original plan has been replaced by an area of sandy beach, and

the handicapped accessible ramps and stairways have been moved back and realigned. American beach grass will be planted in front of the parking area. The stormwater management system will remain as designed.

Lee Dellicker, President of Windover Construction

Mr. Dellicker stated that the only change to the design of the sea wall is that the piece in front of the building will be supported on individual steel piles. From the beach, it will look essentially the same. He noted that now that the sea wall is being moved back, all of the excavation can be done in the area behind the existing building and they will not have to drive sheet piling to protect the beach.

Ms. Press stated that they have a Superseding Order from DEP, as well as a local Order which was upheld, and that modifications to the sea wall were included in the local order.

Public Comments: None

Motion: To approve the Beauport Gloucester project with the stipulation that it is the least impactful project moving forward.

1st: John Feener

2nd: Helene Shaw-Kwasie

Vote: Approved 6-0

3.) 108-110 Commercial Street Emergency Certification for Repairing 8 Pilings

Ms. Press stated that they are going to do a site walk on Friday. John Judd is coming to the next meeting for an NOI, but the repairs will most likely be done by then.

Public Comments: None

Motion: To accept the emergency certification for repairing eight pilings at 108-110 Commercial Street.

1st: Robert Sherman

2nd: Barry Gradwohl

Vote: Approved 6-0

II. PUBLIC COMMENT: None

III. MINUTES REVIEW

Motion: To approve the minutes of January 15, 2014

1st: Helene Shaw-Kwasie

2nd: Barry Gradwohl

Vote: Approved 5-0 with Mr. Sherman abstaining

IV. Block 1*

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

Presenter: Eric Josephson, Joset Corporation

Mr. Josephson stated that there has been a partial demolition of the existing structure, which was collapsing, and they are looking to replace what was there (wood pilings, wood pile caps, metal decking with structural concrete slab).

Commission Comments:

Ms. Press stated that if the pier is not repaired, it will be more of an environmental detriment because it will collapse.

Mr. Gradwohl asked if the pilings were going to be sistered.

Mr. Josephson stated that the plan is to cut off the existing pilings at soil level rather than vibrating them out of the ground. The new pilings will be installed by vibrating and driving them into place.

Mr. Feener stated that he believes the commission should adhere to Dave Sargent's recommendations.

Public Comments: None

Conditions:

- **Adherence to Dave Sargent's recommendations for construction and demolition**
- **All conditions discussed previously**

Motion: To approve the project at 63 Rogers Street to repair and replace pilings and portions of a pier. (Map 7, Lot 1)

1st: John Feener

2nd: Barry Gradwohl

Vote: Approved 6-0

B.) NEW RDA: Cripple Cove Public Landing, Submitted by City of Gloucester, Harbormaster (Represented by Harbormaster) for the repair of a wall.

Presenter: Harbormaster James Caulkett

Mr. Caulkett stated that they are doing repairs to the careening wall keel blocks. There were four concrete blocks laid down on the bottomland. Boats are sitting on them and over the years they have crumbled

Commission Comments:

Mr. Feener asked if any CPA funds are being used for this repair.

Mr. Caulkett stated that the funding is all from the Waterways Enterprise Fund.

Public Comments: None

Motion: Negative determination for the project at Cripple Cove Public Landing for the repair of a wall.

1st: Robert Sherman

2nd: Helene Shaw-Kwasie

Vote: Approved 6-0

C.) NEW RDA: Head of Lobster Cove Public Landing #10, Submitted by City of Gloucester, Harbormaster (Represented by Harbormaster) for repair and landscaping.

Presenter: Harbormaster James Caulkett

Mr. Caulkett stated that this project is partially funded through CPA funding along with the Waterways Enterprise Fund. The project entails cleaning up the public landing at the head of Lobster Cove, including minor pruning, removal of Japanese bittersweet, and installation of benches. He noted that two granite steps will also be installed to prevent runoff from the road.

Public Comments: None

Conditions:

- **Installation of a baffle to alter the flow of water**
- **Proper pruning of the crabapple tree to ensure that it will last a long time**

Motion: Negative determination for the project at the Head of Lobster Cove Public Landing #10 for repair and landscaping.

1st: John Feener

2nd: Barry Gradwohl

Voted: Approved 6-0

D.) NEW NOI: 1007 Washington Street (Plum Cove), Submitted by Nicholas Holland (Represented by Self) for the construction of a boardwalk on City property. (Map 155, Lot 8)

Presenter: Nick Holland on behalf of Cape Ann Trail Stewards

Mr. Holland stated that the proposal is to build a 150-foot boardwalk on city land across a small wetland to provide access to the North Gloucester woods and Dogtown from the Plum Cove parking lot.

Commission Comments:

Chairperson Jackson expressed concern that there is no written authorization from the city for the project.

Mr. Holland stated that Mark Cole signed the application.

Mr. Feener noted that vegetation is going to grow in and around the boardwalk and requested that pruning be addressed moving forward. In addition, he stated that the boardwalk is not big enough for both bikers and walkers and expressed concern that they would go off the boardwalk and into the protected areas. He recommended either a signaling system or an increase in the size of the boardwalk.

Mr. Holland stated that the area is not conducive to mountain biking and would not be subject to heavy use by bikes.

Mr. Feener suggested putting a sign at each end of the boardwalk indicating that bikers are in the area and “to help protect the environment, please walk bike across the boardwalk.”

Ms. Press expressed concern that the wetland may be a vernal pool. Since it is so close to vernal pool season, she suggested waiting about a month to see if it is a vernal pool.

Mr. Holland stated that Rick Roth of the Cape Ann Vernal Pond Team indicated he would be happy to look at it and that if it is a vernal pool, he would be excited to use the boardwalk as a teaching platform.

Ms. Press noted that the commission is sponsoring a talk by Rick Roth of the Cape Ann Vernal Pond team on Tuesday, February 25, 2014 at 6:30 p.m. at the Sawyer Free Library Friends Room.

Mr. Feener requested educational signs describing native plants in the area of the boardwalk.

Mr. Holland stated that they have raised just enough money for the boardwalk construction but that that would be a great add-on at a later date.

Ms. Press stated that there are some signs on the boardwalk through the wetlands in Manchester that he could look at as an example.

Public Comments:

Nikki Korkatti stated that she is an abutter to the property and feels that the project would have an adverse effect on the wetlands. She has been familiar with the area for about 60 years and, depending on the season, you can see the intermittent stream and wetland. It is a habitat for salamanders, turtles, nesting birds, and a variety of other animals, and the construction of a 150-foot boardwalk would certainly have negative short- and long-term effects to this habitat. This fragile area should have passive low-impact activities such as birding or walking. There are other areas nearby with access to the fire roads and parking availability, so why ruin this wetland area? Some of the affiliates of the Cape Ann Trail Stewards are mountain bike, climbing and running groups, and these types of activities would be harmful to the area.

Ms. Korkatti read letters from two other abutters into the record:

Ed Kaznocha of 83 High Street wrote that he is opposed to the boardwalk.

John and Linda Geary, abutters of the property, wrote that they object to the proposed boardwalk because the community has not received sufficient and clear information on the planning of the project. The impact of the project has not been thoroughly communicated to the neighborhood and is being shuttled through the approval stage too quickly. There are already many access points available to hikers in the immediate area. The possible inconvenience to the neighborhood and possible damage to the land in the form of graffiti and garbage is too great and unnecessary.

Susanna Natti of 105 High Street stated that she lives on the edge of one of the quarries, which is her sole source of drinking water. She has concerns about liabilities. She has noticed an increase in foot traffic coming in and looking for places to swim in the summer. If the boardwalk is approved, she hopes that the commission and the Cape Ann Trail Stewards will take that into consideration and deal with enforcement. She also

hopes there will be good signage that will tell exactly where the trails are and ask users to respect the neighboring properties.

Jean O’Gorman, an abutter to the property, stated that the path between the parking lot and boardwalk crosses steep terrain and relatively deep sandy soil in the valley. There is a crisscrossing network of existing paths in the valley that do double duty as intermittent streams. These paths or streambeds are badly eroded gulleys. The combination of foot traffic and runoff has eroded them well below their original grade. The proposed boardwalk will encourage more traffic, including bicycles whose knobby tires are even more damaging to sandy terrain than shoes. The original settlers never built houses in this valley because all the runoff would have flooded basements and settled foundations. It is an ecologically fragile area that should be kept as undisturbed as possible. A certain percentage of increased traffic will be headed directly to Klondike Reservoir to swim. Another percentage will be going to Dogtown, but Dogtown is inaccessible from 1007 Washington Street. There is no public or conservation land directly abutting the area comprising 1007 Washington Street, Plum Cove School and Young’s Farm. The small wilderness area is completely surrounded by private property, its boundaries are not marked, and there are no fences. The proposed boardwalk will facilitate environmental damage and trespassing and should be rejected.

Bill Woodhead of 6 Linwood Place stated that he has spent a lot of time in the area in the 13 years he has lived there. What has happened lately is that a lot of briars have grown up and there has been a lot of vegetation change. The erosion has made it a non-desirable walk. He believes there is a lot of standing deadwood that could be removed from the area. He asked whether Cape Ann Trail Stewards are appointees of the city.

Mr. Holland stated that Cape Ann Trail Stewards is a 501(c) (3) volunteer organization with representatives from the four Cape Ann towns and various user groups. He noted that the location of this project was identified in a study done by the city two years ago looking for access points to the North Gloucester woods. This was the only site identified that had direct access as well as parking.

Mr. Feener clarified that this is the only site that the city owned that would have that access.

Mr. Woodhead believes this is an ill-considered project but stated that he is willing to be convinced otherwise. He is concerned about beer bottles and fires.

Chris O’Gorman read a letter from **Constantine J. Maletskos, Ph.D**, of 20 Colburn Street, stating that the quarries have become dangerous swimming holes and have attracted a huge amount of people from as far away as Boston. The newcomers do not know how to behave in the woods and around the quarries. They dive in the quarries and get hurt. The police have been called over and over again to get these people off private property. They get arrested and they still come back. They ignore the signs, throw much trash, treat the plants badly, break the limbs off trees, and they are very noisy. They bring small grills to have cookouts that could lead to a devastating fire. We have too many visitors now. We do not need a Plum Cove boardwalk. On the paths there are no boundaries, and that leads to trespassing.

Mr. Holland pointed out that the trail is currently being used on a regular basis. There is an informal ford across the wetland which is comprised of old packing material and tree limbs. He believes this would be a substantial improvement to the resource area to get the traffic out of the wetland, particularly if it is a vernal pool. He reiterated that the

reason they are focusing on this area is because it was identified as a priority area by the city.

Mr. Feener requested that Mr. Holland submit for the next meeting documentation on why a boardwalk is better than a footpath.

Mr. O’Gorman stated that to get from this area to Dogtown, people use trails across private land, which is an invitation to trespass since the entire area is surrounded by private property.

Chairperson Jackson stated that people cannot be kept off public land and that one of the suggestions was to put up signs requesting that people respect private property.

Next steps from applicant:

- **Pruning plan**
- **Documentation on why a boardwalk is better than a footpath**
- **Whether there are alternate routes around the wetlands**

Motion: To continue the application for 1007 Washington Street (Plum Cove) for the construction of a boardwalk on city property (Map 155, Lot 8) to May 7, 2014.

1st: Barry Gradwohl

2nd: Charles Anderson

Vote: Approved 6-0

E.) NEW NOI: #28-2316, 28 Riverside Road, Submitted by Douglas Hanson (Represented by Self) for the repair and expansion of pier, floats and decking.

Presenter: Douglas Hanson, Owner

Mr. Hanson stated that the most immediate need is for the existing 51-foot wood pier which is supported by three concrete footings that are deteriorating and need to be replaced. The footings are approximately six feet long, two feet wide, and two feet deep. The float is also deteriorated and needs to be replaced. He would like to change it from a 16-foot to a 20-foot long float, which will not have any detrimental effect to the waterway. Finally, he would like to expand his existing elevated wood deck outward six feet and truncate the corners to minimize any sight lines. He also intends to do some low-lying shade tolerant plantings under the deck.

Commission Comments:

Mr. Gradwohl requested that Mr. Hanson meet with the agent to determine what kind of plants to use.

Public Comment: None

Conditions:

- **Removal of old footings from the property**

Motion: To approve the project at 28 Riverside Road for the repair and expansion of pier, floats and decking.

1st: Barry Gradwohl

2nd: Helene Shaw-Kwasie

Vote: Approved 6-0

F.) NEW NOI: 6 Bickford Street, Submitted by Sally Jane Paquet (Represented by Bach Builders) for the demolition of a two-family house and construction of a two-family house. (Map 130, Lot 19)

Presenter: Enzo DiMaio, Coast Construction

Mr. DiMaio stated that the existing home will be demolished and a two-family house will be constructed in the same footprint, with the exception of a two-foot bumpout for stairs that conform to code. All of the concrete will be removed off the site and replaced with crushed stone and block.

Commission Comments:

Ms. Press stated that there is a tree that needs to come down.

Mr. DiMaio stated that the tree will be removed.

Chairperson Jackson asked how much impervious surface will be added to the existing footprint.

Mr. DiMaio stated that the existing foundation is going to come out and a new concrete foundation will be put in the same footprint. The two-foot bumpout is currently an overhang. The overhang will be incorporated into the new foundation, adding an area of two feet by eight feet. The first-floor deck on the east side will be 11 feet by four feet. The decks and bumpouts will have spaces in the boards. The existing concrete stairway on the east elevation will be removed.

Ms. Press stated that there is access to this site through the adjoining property at 12 Rackliffe Street, but it is still a very tight site. She also stated that the tree that is being removed is unhealthy.

Mr. DiMaio stated that the building on the adjoining property would be demolished first, and the dumpster and all materials and vehicles in connection with this project will be placed on that adjoining property.

Mr. Feener stated that there is a lot of disruption of vegetation occurring and that the plan does not show what vegetation will be affected. He would like more information on the trees and groundcover and offered to do a site walk with Mr. DiMaio.

Ms. Shaw-Kwasie stated that she would also like to see the property. A site walk will be scheduled when Nikki gets back.

Public Comments: None

Conditions:

- **Further information and clarification of all vegetation that will be disrupted**
- **Identification of mitigation plantings**
- **Hazardous tree removal request**

Motion: To continue the application for 6 Bickford Street for the demolition of a two-family house and construction of a two-family house (Map 130, Lot 19) to March 5, 2014.

1st: Barry Gradwohl

2nd: Charles Anderson

Vote: Approved 6-0

G.) NEW RDA: 12 Rackliffe Street, Submitted by Sally Jane Paquet (Represented by Bach Builders) for the demolition of a commercial building and construction of a single-family house.

Presenter: Enzo DiMaio, Coast Construction

Mr. DiMaio stated that he is looking to demolish the 5,000 square foot garage that was used as a parking garage for a former hotel and has recently been used as storage for antique cars. It is now empty and dilapidated. The walls are a mixture of brick, block, and large aggregate, the frame is a wooden truss system, and the floor is poured concrete. The garage is 16 feet high with a mixture of asphalt and rubber roofing. The south side of the garage is approximately 85 feet from the coastal resource area, or 15 feet into the 100-foot buffer zone. There will be six footings for the proposed cover walkway with crushed gravel. In order to reduce the nonconformity of a commercial building in a residential neighborhood and to comply with the R-10 setbacks, the existing nonconforming building will be demolished and replaced with a conforming single-family home. Small trees and bushes will be added to the landscape. Work will be conducted manually and mechanically using excavators, a 320DL Caterpillar, front-end loaders and dump trucks, which will be staged outside of the buffer zone. All impervious material will be removed by silenced rock breakers attached to excavators. The site will be hosed to reduce dust and airborne debris, and the area inside the buffer zone will be surrounded by a wallet. The neighboring lots and structures will block the project from the coastal resource area.

Commission Comments:

Mr. Feener expressed concern with the lack of erosion control. He requested that that be added to the plan.

Ms. Shaw-Kwasie would like to view this property at the time of the site walk on the adjoining property at 6 Bickford Street.

Public Comments: None

Conditions:

- **Erosion control added to the site plan**

Motion: To approve the project at 12 Rackliffe Street for the demolition of a commercial building and construction of a single-family house.

1st: John Feener

2nd: Robert Sherman

Vote: Approved 6-0

H.) NEW NOI: #28-2317, 131 Atlantic Road, Submitted by Thomas Burger (Represented by Wetlands and Land Management, Inc.) for new house footprint design and landscaping. (Map 72, Lot 14)

Presenter: Bill Manuel, Wetlands and Land Management, Inc.

Mr. Manuel stated that the owners presented a plan last year when they were attempting to purchase the property and needed to secure a permit to obtain financing, and that plan was approved. They are now coming back with the final construction plan, which is very similar. The footprint on the final plan tilts the garage slightly to allow for more parking. One of the resource areas is the coastal bank associated with the ocean, which cuts through the property. There is also an isolated wetland area on the adjacent property at 133 Atlantic Road. A large portion of the construction is outside the buffer zones. The rooftops and the driveway are paved, and underground infiltration pits have been incorporated to capture roof runoff and runoff from the terrace. There are also rain gardens incorporated on the property and a trench drain that will direct drive runoff into the infiltration basin. Landscaping, including the construction of a rock wall and installation of plantings, will occur in the buffer zone to the coastal bank. He believes this will not destabilize the coastal bank. Erosion controls will prevent any sedimentation from working its way onto the site. The vegetation on the lot consists of invasive species such as honeysuckle, sumac, Norway maple, blackberry bushes, etc. The proposed landscape plan enhances the site and includes a lot of native species. Some blasting will be necessary on the site.

Andy McKown, McKown Associates

Mr. McKown, the blasting consultant, stated that he is confident there will not be any drilling and blasting required in the area near the wetlands. There may be some shallow drilling and blasting required in the area near the coastal bank for the rain garden and utilities. He recommends that very closely-spaced holes be drilled at the limits of excavation and that very light explosives be used in those areas.

Commission Comments:

Mr. Feener asked whether there is an increase of structure within the buffer zone over the plan that was already approved.

Mr. Manuel stated that it is a very similar project and the landscaping ratio is approximately 4:1 for the impervious areas that they have now.

Tom Burger, the owner of the property, stated that he does not believe there is any more in the buffer zone than they had before. They have pulled the house forward about eight feet closer to the ocean, which moves it out of the buffer zone.

Ms. Press clarified that this project is a separate NOI and not an amendment of the previous one. If they receive approval for this project, they will have to close out the other NOI.

Mr. Feener stated that he would like the commission to be notified if blasting needs to be done in the area near the wetlands.

Chairperson Jackson asked how much impervious surface is being added within the buffer zone and the amount of plantings within the buffer zone.

Mr. Manuel stated that there are 2,616 square feet of impervious area in the buffer zone and a total of 5,101 square feet of plantings and rain gardens with the buffer zone and almost 8,000 square feet of plantings on the entire lot.

Public Comments: None

Conditions:

- **The commission will be notified if blasting is needed in the rear area near the wetlands.**
- **Andy McKown will be retained to supervise the blasting and to prepare a report.**
- **Incorporation of Mr. McKown's recommendations into the Order of Conditions**
- **Hugh Collins will be onsite and oversee the landscape plan.**
- **The prior NOI will be closed out.**

Motion: To approve the project at 131 Atlantic Road for a new house footprint design and landscaping (Map 72, Lot 14).

1st: John Feener

2nd: Barry Gradwohl

Vote: Approved 6-0

(A five-minute break was taken at this time.)

V. Block 2*

A.) NEW RDA: 99A Essex Avenue, Submitted by Beauport Gloucester LLC (Represented by Meridian Associates) for the accepted use of an existing parking area.

Presenter: John Cunningham, 59 Main Street, Gloucester, MA

Mr. Cunningham stated that one of special permit conditions from the City Council for the hotel on Commercial Street was to secure a site for overflow parking. They propose to use the existing gravel parking area in the same way it was used for decades as parking for the Yankee Fleet. The hotel itself has 140 or more parking spaces onsite, and this site will be used for valet-type parking and employee parking at busy times. There is no construction or excavation planned for the site, other than perhaps installing a fence for security. They would like to replace the existing trailer on the site with a newer trailer and to clean up and remove any old boats, vehicles and construction material. If there are projects that involve construction or paving in the future, they would meet with the neighbors and submit those plans to the commission for approval. A portion of the parking area is within the buffer zone under the River Act. There is also an area for snow storage, which is on the Essex Avenue side towards Cape Ann Marina, which is outside of the buffer zone.

Commission Comments:

Chairperson Jackson stated that if any construction, paving or installation of a fence is desired in the future, they would need to come back before the commission.

Mr. Feener stated that the snow storage areas should be approved by the city since it causes a flooding issue on Essex Avenue.

Mr. Cunningham stated that they will coordinate that with the city.

Mr. Feener suggested that they consider using trees instead of putting up a fence.

Public Comments: None

Motion: Negative determination for the project at 99A Essex Avenue for the accepted use of an existing parking area.

1st: Robert Sherman

2nd: Helene Shaw-Kwasie

Vote: Approved 6-0

B.) NEW NOI: 7 Vulcan Street, Submitted by Linda Heafey (Represented by Wetlands and Land Management, Inc.) for an addition to a single-family house. (Map 153, Lot 11)

Presenter: Bill Manuel, Wetlands and Land Management, Inc.

Mr. Manuel stated that there is an intermittent stream that enters the property via a culvert and flows overland. The house is almost entirely covered by the buffer zone to the intermittent stream bank. All of the construction area is open lawn. The existing three-season room will be converted into full-time living space with a new foundation and concrete slab underneath it. The debris will be hand carried to the dumpster located in the driveway. The covered porch will be on hand-dug solitude piers and is approximately 60 feet from the wetlands. There is erosion control ringing the project. There will be no trees lost and no extensive excavation. The drainage plan shows 320 square feet of vegetation plantings as mitigation, and the applicant will most likely completely landscape the edge of the brushy area.

Commission Comments:

Mr. Feener requested that the planting area be marked on the plan and have invasive control in that zone. He also requested that the mulch erosion control go underneath the canopy of the tree.

Chairperson Jackson asked if there is a plan as to the kinds of plants that will be planted.

Mr. Manuel stated that they have not developed a specific planting plan, other than that they would be native species.

Chairperson Jackson asked if they are sure the stream is intermittent.

Mr. Manuel stated that he has seen it dry and it does not show on the USGS map. The watershed does not extend much past Emerald Street.

Public Comments: None

Conditions:

- **A planting plan will be submitted to the agent for approval prior to planting, including invasive control.**
- **The erosion control will be shifted to protect the tree.**
- **The addition will be on pilings and not a foundation.**

Motion: To approve the project at 7 Vulcan Street for an addition to a single-family house (Map 153, Lot 11).

1st: John Feener

2nd: Helene Shaw-Kwasie

Vote: Approved 6-0

C.) NEW NOI: 367 Concord Street, Submitted by Louise Marsh (Represented by Mill River Consulting) for the installation of a septic system. (Map 239, Lot 3)

Presenter: Isaac Rowe, Mill River Consulting

Mr. Rowe stated that the parcel is about three acres in size and contains a cottage and a five-bedroom house. The wetland resource area behind the house turns into an intermittent stream that travels under the existing gravel driveway through a 12-inch pipe. There is a BVW on the other side of the driveway, and there are private wells on the site. The site has a lot of exposed ledge and impervious soils. The pump chamber pumps water under the driveway and over the culvert into the existing tank. They are proposing to remove the existing septic system and put the new leach field in its place. The existing dwelling will be connected to the existing pipe and a new 2,500 gallon septic system with a treatment tank and leach field will be installed. For the cottage, the two tanks will be removed and a septic/pipe chamber combo tank will be installed. The force main will be replaced with an in-kind force main but with a smaller pipe. The pipe will be sleeved from where it leaves the pump chamber until it gets off the driveway. Any bedding over the culvert will be restored with crushed stone or gravel, as needed. Erosion control will be installed across the existing driveway at the end of each construction day or during any storm events. No vegetation will be removed, and no excavation will be done near the house.

Commission Comments:

Mr. Feener requested that the access point for the machinery be noted on the plan. He also requested that the erosion control be installed when the site will be vacant for an extended period of time.

Mr. Feener asked whether there is anything wrong with the culvert.

Mr. Rowe stated that the culvert is in good shape right now and they are not proposing to do anything to it.

Public Comments: None

Conditions:

- **Erosion control will be installed anytime the site is vacant for an extended period of time.**

Motion: To approve the project at 367 Concord Street for the installation of a septic system (Map 239, Lot 3).

1st: John Feener

2nd: Barry Gradwohl

Vote: Approved 6-0

D.) NEW RDA: 8 Gull Lane, Submitted by Ann White (Represented by Mill River Consulting) for the installation of a septic system. (Map 242, Lot 111)

Presenter: Isaac Rowe, Mill River Consulting

Mr. Rowe stated that the gravel parking area, which is part of the right of way, will serve as the access point. They intend to install a new 1,500 gallon septic tank with a pre-treatment unit and a leaching field. A two foot high retaining wall will also be installed on the back side of the leaching field to minimize any further grading going down slope. The resource area is about 15 feet down gradient, but erosion control will be installed from the porch around the back side of the wall and around the access area. A small tree and shrub will be removed, and they are proposing to plant two native trees and two shrubs that will be approved by the agent prior to planting.

Commission Comments:

Mr. Feener asked whether the retaining wall will be constructed first or last.

Mr. Rowe stated that they will probably put the tanks in first, build the field, and then start to build the wall.

Mr. Feener requested a two-foot planting area in front of the wall.

Chairperson Jackson asked whether using the parking area as the access point will interfere with anyone's access.

Mr. Rowe stated that it will not interfere with access to neighboring properties.

Public Comments: None

Conditions:

- **Installation of a two-foot planting bed along the newly-constructed retaining wall**

Motion: Negative determination for the project at 8 Gull Lane for the installation of a septic system (Map 242, Lot 111).

1st: John Feener

2nd: Helene Shaw-Kwasie

Vote: Approved 6-0

VI. Block 3*

A.) Continued NOI: #28-2309, 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 realignment, and plantings. (Map 167, Lot 45)

Presenter: Mike DeRosa, DeRosa Environmental Consulting

Mr. DeRosa stated that since the last meeting, a site walk was conducted, Andy McKown was retained to review the blasting proposal, and a revised site plan was submitted to the commission. They would like to use some of the loose boulders from the coastal bank in the landscaping of the pool, which is the main element of the project. However, Katherine Glenn from Coastal Zone Management recommended against that, so that will be withdrawn from the project. Another element of the project is the replacement of a patio consisting of granite cobbles cemented to the top of the exposed ledge. The contractor has a way of making that a flat patio area with a fire pit. Another element of the project is to move one of the large boulders five feet in order to break up the linear pathway between the ocean and the basement door. Katherine did not think this would work and was opposed to it. They disagree with her but are willing to withdraw it from the application. Finally, the fishing support would consist of a bent stainless steel rod drilled into the ledge so the owners' sons could fish off the ledge.

Andy McKown, McKown Associates

Mr. McKown, the blasting consultant, stated that there are two areas close to the coastal bank that will require drilling and blasting, namely the pool and a septic force main. He recommends that all areas within 50 feet of the coastal bank be line drilled with 3-inch diameter holes spaced at six inches on center so that any explosive gases would vent out through the holes and not open up any joints towards the coastal bank. Similarly, for any excavation required for the force main within 50 feet, the same line drilling would be used. Outside of the 50-foot zone, any excavation would be done with closely-spaced holes and very light explosives so as not to damage the rock around it.

Mr. DeRosa stated that the site was blasted when the septic system was installed and that a lot of that material has been taken out. He does not expect to have to take out much more, and it is further away from the coastal bank.

Mr. McKown stated that in his 35 years of experience, he has blasted close to buildings, underground structures and coastal banks, which is why he recommended the line drilling. He is confident in the blaster and believes it can be done to protect the coastal bank.

Commission Comments:

Mr. Feener expressed concern with the boulder being placed in the walkway. He believes it will not be beneficial. He also expressed concern with boulders being blasted and breaking open on the other side.

Mr. McKown stated that the line drilled holes would prevent that from happening.

Ms. Press stated that this a very vulnerable site and that any sort of tampering with the coastal bank is going to weaken it for years to come.

Mr. McKown stated that there will be concrete lining in the pool which will tend to protect the coastal bank, and he does not expect that there will be any further weathering from the excavation side of the coastal bank.

Mr. Gradwohl stated that drainage has not been addressed in terms of backflushing the pool. He stated that it should not be dumped into the ocean.

Mr. DeRosa stated that the pool is going to have a UV system and a cartridge system and is not going to use many chemicals.

Mr. Gradwohl expressed concern with the use of mortar and concrete on the bottom section because it will need to be repaired repeatedly.

Ms. Press stated that those repairs have been going on for years and that the permit would give the owners permission to repair it for three years.

Mr. Feener believes that the commissioners should not be judging the project based on potential damage to the owner's property.

Chairperson Jackson stated that the commission's concern is the potential impact of the proposal on the environment.

Public Comments:

Valerie Zakszewski of 13 Shore Road stated that she has lived directly across the street for 13 years and has seen storms intensify over the last two years. The waves crash over the stone wall onto the road, causing potholes and throwing boulders and debris onto the road and her lawn. She stated that when the waves crash onto the lawn, the pool water containing toxic chemicals will be washed into the ocean. She believes that major excavation and blasting will weaken the coastal bank and cause more damage to the point.

Ms. Press also read Ms. Zakszewski's written comments into the record.

Robert Cohen stated that his family has lived on that side of the house for 62 years. Winter storms have knocked the house down and it has been rebuilt three times. Any blasting there would be completely uncalled for.

Chairperson Jackson stated that the concerns raised by neighbors reinforce what the owner has already admitted. She does not see the project alleviating any of the concerns but she is not sure it is going to impact it either.

Conditions:

- **Wastewater from the pool will be trucked offsite.**
- **Boulder will not be placed in the walkway, and no boulders will be moved.**
- **The UV system and cartridge system for the pool will be included on the plan.**

Motion: To approve the project at 18 Shore Road for the construction of a terrace, patio, in-ground pool, relocation of septic system piping, fishing support structure, walkway realignment and plantings (Map 167, Lot 45).

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 March 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)

1st: Barry Gradwohl

2nd: Helene Shaw-Kwasie

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 March 5th at the request of the Applicant.

Motion: To continue the project at 33 Stanwood Avenue, submitted by Jackie Misuraca (Represented by Seekamp Environmental Consulting) for the construction of a single-family house (Map 230, Lot 158)

1st: Barry Gradwohl

2nd: Helene Shaw-Kwasie

Vote: Approved 6-0

VII. AS TIME PERMITS: COMMISSION BUSINESS

A. Requests for Letter Permits/Modifications – None

VIII. AGENT'S REPORT ON VIOLATIONS – None

IX. CERTIFICATES OF COMPLIANCE

- 1.) #28-1752: 81 Rocky Neck Avenue
- 2.) #28-2150: 63 Rogers Street
- 3.) #28-1557: 6 Vine Street
- 4.) #28-808: 6 Vine Street (Duplicate)
- 5.) #28-1027: 22 Marble Road (Work never started)
- 6.) #28-963: 79 Essex Avenue (Work never started)
- 7.) #28-2034: 99A Essex Avenue (Local CoC only. State previously issued)

Motion: To approve all of the above Certificates of Compliance.

1st: John Feener

2nd: Helene Shaw-Kwasie

Motion: To adjourn

1st: John Feener

2nd: Helene Shaw-Kwasie

Vote: Approved 6-0

Meeting adjourned at 10:10 p.m.