

CITY OF GLOUCESTER

CONSERVATION COMMISSION

MINUTES

WEDNESDAY September 17, 2014 - 7:00 PM
City Hall, 2nd Floor, Kyrouz Auditorium
Robert Gulla Chair

Members Present: **Robert Gulla, Chair, Ann Jo Jackson- Co-Chair - Absent, Charles Anderson - Absent, Helene Shaw- Kwasia, J ohn Feener, Barry Gradwhol- Absent, Robert Sherman**

Staff: Ken Whittaker, Agent, Temporary Recording Clerk

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

- I. **4-6 Eastern Point Boulevard: Expansion of vegetation removal activities.** Attorney Michael Faherty on behalf of site owner, present at the request of the agent, explained that area of clearance appeared to be larger than indicated on site drawings because vegetation removal occurred in both jurisdictional and non-jurisdictional areas. The Commissioners present accepted and appreciated the explanation, and had no more questions.
- II. **B.) Continued Hearing: 26 Rockwood Lane: Submitted by Joel Ray (Represented by Wetlands and Land Management Inc.) for the purpose of constructing a dwelling and renovations. (Map 145 Lot 60 &61)** – Matter was continued from last hearing to compare site plan from previous filing. Applicant was not present but was instructed to slightly reconfigure mitigation area nearest resource area to protect existing stone steps from potential erosion from over-the-grass sheet flow. Conditions from previous order of Conditions to be incorporated as modified to be consistent with current NOI. Motion to approve Order of Conditions by Feener, second by Kwasia. Motion carried unanimously.

I. PUBLIC COMMENT

III **MINUTES REVIEW** – not conducted – minutes are available on audio tape and will be transcribed when recording secretary is hired.

IV **Block 1* CONTINUED Projects**

- A. **CONTINUED RFD: 23 Marble Road: Submitted by Mary Kay Dyer (Represented by Self) for the purpose of rebuilding a deck and adding a set of stairs. (Map 75 Lot 27 & 28).**
Feener noted from photographs that new deck was to re-built over existing patio and stone no no increase in impervious area, Commission recommended a condition of approval that gutter be please on back side of on-site shed to prevent direct roof run-off from falling over fence and being discharged right into wetland. Motion for negative declaration by Gulla, second by Feener. Motion carried unanimously

B. **CONTINUED NOI: 51 Causeway Street: Submitted by Don Sudbay (Represented by Gregory Cefalo) for the purpose of adding a commercial building to commercial site. (Map 233, Lot 61)** – Applicant not present – status of application uncertain. Hearing is continued until October 29

by unanimous vote of commission. Motion by Sherman, second by Kwasia.

C. The Hobbs Agreement: Kondelin Road– Agent Whittaker explained that several motions from the court had been received which would close litigation on this matter and indicate acceptance of the settlement agreement negotiated by owner of Kondelin Road, Mass DEP and the Commission. Motion to approve City Counsel Suzanne Egan to sign settlement agreement-related document by Feener, second by Kwasia, Motion passes unanimously.

D. NEW NOI: 3 Windward Point: Submitted by Daniel O'Connor (Represented by Self) for the repair of a seawall. (Map 131, Lot 17). – Project for rehabilitation of existing sea wall including restoration of drainage –Continued from last meeting. Engineer has submitted description of steps that will be taken to protect the resource area including plastic sheeting to capture spalled/released concrete. The Commission asked that any top of the wall vegetation be plants “in-kind” although not necessarily with identical species, also asked that an 18-inch wide planting bed with complete coverage when plants are mature along wall where grass meets concrete. A planting plan is to be submitted before work commences, all work to be done with hand tools and concrete pump to be located on landward side of on-site house bermed with on-site availability of spill kit in case of hydraulic fluid or liquid concrete leak. Motion to approve Order by Feener, second by Sherman, vote to approve unanimous.

E. CONTINUED NOI: 97 Leonard Street: Submitted by Richard Novak (Represented by John Dick) for the purposes of wetland restoration, remodeling and landscaping. Pictures were discussed showing restoration work that had already been performed by Mr. Novak. Majority of the commission observed that more harm than good might be done by re-excavation of soils near the on-site culvert. One Commission commented that this approach appeared to be too lenient given the amount of filling that appeared to have occurred. Commission determined that more rehabilitation work is needed including spreading of “compost pile” to compacted soil area near southwestern edge of property. Also applicant was directed to move fence several feet to the northern side of the “tree-to-day-lily line (thus no need to move half-buried boulders as proposed by applicant) to prevent further mowing and to allow this area to re-establish naturally. Fence along the street and on south side of wetland area is optional. All additional debris, including fencing materials is to be removed from wetland area which is to be allowed to be re-established naturally. Motion to approve “after-the-fact” Order motion by Feener, second by Kwasia with agent Natural area to be inspected after 6 months (next May) to determine if more aggressive replanting will be necessary.

V Block II* NEW Projects

A. NEW NOI: #28-2361 8 Norwood Court: Submitted by Mary Montagnino (Represented by Jamy Madeja, Esq.) for the purpose of installing a pier, floats and rip rap repair. Discussion on this project was brief as the Commission is still waiting for comments the Harbormaster who is in turn awaiting guidance on this matter from The Corps of Engineers. A brief description of the work was offered and included additions to an existing dock (two are already in place and one additional extension proposed, supported by a number of pilings) and some repair of a rip rap wall. Agent Whittaker will coordinate with the Harbormaster as to when comments (which relate to the proximity of the new docks and pilings to the federal channel) can be expected. Applicant discussed certain proposed contingency plans which might be necessary if future dredging of the navigation channel were to occur. Applicant was asked before the next meeting to provide a project narrative as to what has been installed, what will be installed, procedures and facilities approved, etc. It was suggested that attention be paid in the narrative as to how the project may be improving the environment. Motion to Continue by Helene, second by Feener, passed unanimously. Commissioner Feener requested a site visit, a date for the site visit will be proposed. Agent Whittaker identified several minor errors in the NOI.

B. NEW RDA: 599 Essex Avenue: Submitted by Jerry Newman (Represented by Self) for the purpose of demolishing part of a garage and rebuilding it with expansion. Expansion is proposed over existing driveway. Reconstruction of existing garage (impacted by carpenter ants) over current permeable area with slight expansion over new area. . New area was determined to be also impermeable area. .Discussion ensued as to the need/desirability of mitigation plantings. It was determined that mitigation could be addressed by installing a planting bed around the addition and along

the back of the garage. Subject to this condition negative declaration proposed. Motion by Feener second by Sherman.

VII. AS TIME PERMITS: COMMISSION BUSINESS

A. Requests for Letter Permits/Modifications. No comments offered.

VII. AGENT'S REPORT ON VIAOLATIONS: Updates/Investigations

1.) Wise Place Parking – extensive discussion ensued as to the appropriateness of allowing parking in this conservation area. Several abutters through counsel argued that no parking should be allowed by some room left to address traffic flow, snow removal, etc. One other abutter argued that the area had been used for the parking of vehicles for many years. Referenced counsel indicated that if parking was allowed the abutters reserved the right to take issue with this, argue that such was inconsistent with current conservation restriction on the property, and seek to have the property transferred as allowed by the restriction to another environmental organization. The Commission instructed the agent to place flags in the disputed area to allow an areas of approximately 20x20 feet to allow for the uses described above.

2.) Keystone Lane – the Agent advised that he had issued enforcement letters on this violation, unapproved widening and filling of a dirt road (Keystone Lane) passing through wetlands area, and was anticipating hearing back from the party alleged to have conducted the work.

VII. CERTIFICATES OF COMPLIANCE-.On recommendation of Agent Whittaker, the following properties were proposed for issuance of certificates of compliance. Certificates approved by unanimous vote of the Commission

#28-2198: 127 Rogers Street

#28-2276: 11 Jebeka Lane

#28-1716: 84 Magnolia Avenue