

CITY OF GLOUCESTER
CONSERVATION COMMISSION
MINUTES

WEDNESDAY NOVEMBER 5, 2014 - 7:00 PM
City Hall, 2nd Floor, Kyrouz Auditorium
Robert Gulla Chair

Members Present: Robert Gulla, Chair, Ann Jo Jackson, Co-Chair, Robert Sherman, Charles Anderson-
Absent, Barry Gradwohl, John Feener, Helene Shaw-Kwasie
Staff: Ken Whittaker- **Absent**, Agent, Stacey Carpenter (City Agent), Osha Saylor, Recording Clerk

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

1.) Approve a Planting Plan – 10 Brace Cove

Mr. Feener confirmed a plan was issued. He expressed concern about the lifespan of the plants, due to the texture and salt tolerance of the species selected. If the board moves forward, he recommends they apply two-year mortality to the plan and suggested Mr. Slavek do some refocusing on his selections.

Michael Slavek, 10 Brace Cove

Mr. Slavek, the owner of the property, stated that two-year mortality is acceptable. His landscape architect does a lot of work in Gloucester and he is happy to work with the commissioners.

Motion: To approve the Planting Plan at 10 Brace Cove submitted by Michael Slavek with 2-Year mortality rate.

1st: Ann Jo Jackson

2nd: Barry Gradwohl

Vote: Approved 6-0

2) 28-1904: 607 Western Avenue, 171 Magnolia Avenue ORAD Extension Request

Chairman Gulla reviewed the background with the board. On behalf of Agent Whittaker, **Agent Carpenter** confirmed there are no concerns with this extension.

Motion: To approve the ORAD Extension Request for 607 Western Avenue, 171 Magnolia Avenue (28-1904).

1st: Ann Jo Jackson

2nd: John Feener

Vote: Approved 6-0

II. PUBLIC COMMENT

None

III. MINUTES REVIEW

The minutes review was tabled until all outstanding minutes have been reviewed.

IV. Block 1* Continued Projects

- A. Continued NOI: 644 Essex Avenue:** Submitted by Roger LeBlanc (Represented by Wetlands and Land Management Inc) for the construction of a duplex, driveway, utility installation, grading, landscaping and retaining walls (Map 237, Lot 109 and a portion of 4)

**Bill Manuell, Wetland Specialist, Wetlands & Land Management
100 Conifer Hill Drive, Danvers, MA**

Mr. Manuell reviewed the site plans proximity to existing wetlands and referenced a similar structure on the property, built in 2007. He would like to install a duplex and widen the existing woods road to a 10-ft wide driveway. The NOI includes taking out the slope in the property by building a retaining wall into the grading with 4'x2' block stacks, and treatment of storm water with two roof water infiltration pits. The infiltration pits will handle the measured soil percolation rates of five-minutes-per-inch and will hold an infiltrated 100-year storm event. The plan includes a sub-surface infiltration bin to catch site run-off with an additional catch basin to prevent increase in peak flow rates for 2, 10, 25, and 100 year storms. His proposed driveway is 40-50 ft from the wetlands. The retaining wall will protect the wetlands and his narrative details the protocol his company will adhere to for removal of any materials that get into the resource. He confirmed a large amount of trees will have to be removed for this project.

Mr. Feener requested a map outlining an estimate of how many trees and of which species will be removed. He would also like the plan to include snow management methods to prevent snow accumulation on street covers. Mr. Manuell responded to **Ms. Jackson's** inquiry about the location of the structure on the hill, stating it is best not to push further into the slope.

Chairman Gulla is familiar with the site and expressed concern about the narrow woods/camp road's proximity to the wetlands. It is tree lined, very tight, and not easily passable. There are pollutants from paving to consider; snow management issues in the neighborhood; and long-term effects on the wetlands due to trees loss and cars driving on this woods road. He understands temporary adjustments may be needed to bring utilities onto the property and would like plans for the permanent driveway to include substantial edging, fencing, and signage. He would also like to see plans that include the entire site owned by the applicant to review other options for the driveway.

Public comment:

Rich Hersey, 652 Essex Ave.

Mr. Hersey is an abutter down the street. He is worried the width of the proposed driveway will be too narrow for emergency vehicles to travel to the duplex and would like the driveway to be installed on the other side of the property. He is also concerned about snow management and where the plows will pile the snow. He received confirmation from Chairman Gulla that the plantings are required to be native.

Joel Swann, 648 Essex Ave

Mr. Swann lives on the western side of the site. He submitted his concerns in writing previously and provided further notes and photos comparing the present site to 2011. His greatest concern is disturbing the natural habitat the camp road provides for the wildlife. The deer herd in the area where the duplex is sited and the retaining walls will change the deer's habitat by stopping their path. He is troubled by the effects of building on Mulch Lane, and believes this is why the ponds are close to breaching. He argued the closest corner of the house is 40 ft from wetlands and the parking lot is only 20 ft away. Drainage plans can help with silt, but he would like to see plans to address the pollution from cars, gas, oil leaks, etc. that will go directly into the wetlands. He asked about mitigation plans for the loss of trees; stating it will be impossible to replace the trees since the path is lined with wetlands. He is worried this development will change the whole environment.

The board will meet at the site on Saturday, November 15th at 9:00am. The applicant is to provide other alternatives to the driveway and an inventory of the trees to be removed.

Motion: To continue the NOI at 644 Essex Avenue, submitted by Roger LeBlanc (Represented by Wetlands and Land Management Inc) for the construction of a duplex, driveway, utility installation, grading, landscaping and retaining walls (Map 237, Lot 109 and a portion of 4) the November 19th meeting.

1st: Ann Jo Jackson

2nd: Helene Shaw-Kwasie

Vote: 6-0

- B. Continued AMENDMENT to 28-1929 (and Extension): 52 Whittemore Street AKA Anchorworks Subdivision:** Submitted by Cape Ann Forge Trust (Represented by BSC Group) for the division of five lots, roadway and associated grading, drainage and landscaping. (Map 21- 7)

Agent Carpenter reported the applicant requested an extension until November 19.

Motion: To continue the AMENDMENT to 28-1929 (and Extension) at 52 Whittemore Street AKA Anchorworks Subdivision submitted by Cape Ann Forge Trust (Represented by BSC Group) for the division of five lots, roadway and associated grading, drainage and landscaping (Map 21- 7) until the November 19th meeting.

1st: John Feener

2nd: Barry Gradwohl

Vote: 5-1

Helene Shaw-Kwasie abstained

- C. Continued Extension Request: Association of Eastern Point Residents~ Vegetation Management**

Betty Davis, 29 Edgemoore Road

Ms. Davis, a board member, represented the Association of Eastern Point Residents. She requested a 3-year extension for OC-1987 and the amendment that was issued in 2010. She reviewed the history and complexity of the site. She understands no new material can be brought in. The plan is to hire a consultant to direct the board on how to move material from the pond side over to repair the dike. She is requesting the extension to allot enough time to raise the funds required and develop a long term solution to save the dike and beach paths.

Mr. Sherman addressed this request as a huge endeavor, requiring a lot of work and disturbance to the area. The area is crumbling and there are rocks 40-50 feet away from the pond. The impact of a changing environment and how the dike has been affected over the years with large storms has to be considered. Unless the plans address climate change and the potential of bigger storms, repairs could be devastated with the first Nor'easter.

Chairman Gulla saw tremendous amounts of deterioration on the northern side. The beach and pond seemed intact and previous work did not cause any damage to the resources. The Coastal Zone Management (CZM) does not allow armoring a coastal bank to protect the dike and the Department of Environmental Protection (DEP) is protective of the pond. The applicant will need to manage the pond until a 3rd party consultant confirms nothing can be done to preserve it. He informed Ms. Davis the board usually approves extensions in one-year increments, up to three years maximum. The board acknowledged that a two-year extension is more feasible in this situation at this time of the year. However, before any repairs are done the board requires 48-hour notice to the agent. This is an order of intent with a maintenance plan. The applicant does not get a closed NOI in this case, and will be required to return to the board with updates.

Motion: To approve extension request for this NOI and Amendment for the Association of Eastern Point Residents for 2-years.

1st: John Feener

2nd: Barry Gradwohl

Vote: 5-1

Richard Sherman opposed

- D. Continued NOI: 15 Mount Locust Place:** Submitted by James Davis (Represented by Hayes Engineering) for the purpose of installing two retaining seawalls (Map 140, Lot 25). Applicant will also discuss the discrepancies of the previous permit and how to bring that permit/project back into compliance with approved plan so it can be issued a certificate of compliance.

The applicant requested a continuation until the December 3, 2014 hearing.

Motion: To continue NOI for 15 Mount Locust Place, submitted by James Davis (Represented by Hayes Engineering) for the purpose of installing two retaining seawalls (Map 140, Lot 25) until the December 3rd hearing.

1st: Helene Shaw-Kwasie

2nd: Barry Gradwohl

Vote: 6-0

- E. 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)**

The applicant requested a continuation until the November 19, 2014 hearing.

Motion: To continue NOI for 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) until the November 19th hearing.

1st: Ann Jo Jackson

2nd: Helene Shaw-Kwasie

Vote: 6-0

V Block II* NEW Projects

- A. New NOI: Harbor Loop and 109 Rogers:** Submitted by Massachusetts Electric Company (National Grid) (represented by GZA GeoEnvironmental Inc), for environmental remediation. 19/19R/19A/17/17R/23/25/27 (Map 9, Lots 16, 14, 12, 11, 13, 17,18,21 and Map 10, Lot 5)

Ken Linto, National Grid

40 Sylvan Rd, Waltham, MA

Mr. Linto was asked by the commission to do the investigative phase of the work for this project. The work will be done under the Massachusetts Contingency Plan environmental regulations of the state and is a limited project under the Wetland Protection Act. The primary point of business is to clean up the site by removing contaminated sediment and soil. He provided an overview of the plans to remediate the southern and marine area. The northern area is not on the project and there is no need for mediations. There are limit immediate resources so the bulk of the work will occur further down the street. The area includes the Coast Guard station, Auction House, Americold and portions of Roger Street, including the plaza across the street. He presented photos of the area from the water side, a view of the National Grid seawall and intertidal areas, and the unused marine railway on Maritime Gloucester property.

There is approximately 30K cubic yards being moved, but there will be sediment put back into certain areas to maintain the structures and keep their current design. A portion of the stockpiling area is in the flood zone, so it will be closely monitored with the weather and shut down if need be. Nearly all the contaminated soil will be removed on a barge, tugged over to the sediment processing plant on the water, and then brought back to land to be put in containers. He will provide a copy of the report he provides to the state with counts of all containers carried off site. He confirmed for **Chairman Gulla** he has been working with the city, including the Coast Guard and Shellfish Constable, for the past three years and has the agreement to begin.

John Colbert, GZA GeoEnvironmental, Inc.

372 Merrimac St, Newburyport, MA

Mr. Colbert reviewed phase 3 of the remedial action plan to take care of the risks onsite. He reported the location of the coal tar contaminants is behind the existing seawall and described the plan to excavate the source soils, temporarily removing seawalls to access contaminants. There is approximately 7 acres with impacted sediments, the heaviest impact where the coal facility was located. He described how his company will treat the impacted ground water preserve the Fitz Hugh Lane building by creating a vertical barrier in case there is source under the building. He

listed the improvements to the area including added land, enhanced stability of Coast Guard seawall, and the creating of a coastal beach in the sensitive areas. He reviewed plans for dredging, and backfill to maintain existing grade.

**Michele Simoneaux, GZA GeoEnvironmental, Inc.
372 Merrimac St, Newburyport, MA**

Ms. Simoneaux reviewed the resource area descriptions for the project. She informed the board the mean high water is at 5ft NGVD29 and land is subject to tidal action, such as coastal beach and naturalized coastal bank area. She reviewed the temporary and permanent impacts of this project, stating there will be no permanent adverse effects. She reviewed the mitigation and remediation plans for the coast resource areas, including the Gloucester inner harbor, land and seawall to landward.

**Jaime Carson Rice, Anchor QEA
900 Cummings Center, Suite 313-U, Beverly, MA**

Ms. Rice described the remediation support area located at Roger Street, where the contractors will receive contaminated materials and do staging for equipment and personnel. She reviewed the splash edge details, stating contaminated materials will be moved to an asphalt pad with a protective liner for the pavement, and treated onsite prior to removal. Any rain water in this area will be collected, stored, and disposed of as well. They will have all controls onsite to handle the wheel wash system and to keep the roadways clean. She confirmed the best management practices will be used during dredging and showed pictures of the mobile re-suspension control units with turbidity curtain deployed. She reviewed a mock version of the restoration work at Solomon Jacobs Park and the new floating dock system the city plans to build to replace the existing pier. The estimated start day is July 2015 and the project will require 2-3 seasons of work. They will work around the fishing window of July 1-Feb 14 and understand they cannot start work on city property until after Labor Day.

Public comment:

Jim Caulkett, Gloucester Harbormaster

Mr. Caulkett stated he is in full support of this project and ready to see it completed.

Chairman Gulla would like to see something from the Shellfish Department at the next meeting and **Mr. Feener** would like his additional requests recorded by Agent Carpenter added as an appendix to the application.

Motion: To continue the NOI for Harbor Loop and 109 Rogers, submitted by Massachusetts Electric Company (National Grid) (represented by GZA GeoEnvironmental Inc), for environmental remediation. 19/19R/19A/17/17R/23/25/27 (Map 9, Lots 16,14,12,11,13, 17,18,21 and Map 10, Lot 5) to the November 19, 2014 meeting.

1st: John Feener

2nd: Robert Sherman

Vote: 6-0

- B. NEW NOI: 19 and 19R Harbor Loop:** Submitted by the City of Gloucester (Represented by GZA GeoEnvironmental Inc) to construct a floating dock system that includes floats, gangways, marine sewage pump out station and a davit. (Map 9, Lot 16 & 14)

**David Smith, GZA GeoEnvironmental, Inc.
372 Merrimac St, Newburyport, MA**

Mr. Smith introduced Harbormaster Caulkett and the project submitted by the city to rebuild the dock system at Harbor Loop. He reviewed the site plans and detailed where current issues exist with timber floats, which will require remediation work to take out the land. To provide a temporary location for the harbormasters boats during the remediation process floating docks will be installed. The new dock system will consist of concrete floats ranging in depths from 1.5ft-4ft and the deeper floats will provide adequate protection from storms. There will be power provided through underground piping up to the street to pump out the boats. The only impact of the project

will be the new gangway attached to the wall and accessed by the floats. They will procure floats from a manufacturer that includes a maintenance plan.

Chairman Gulla noted the bulk of the heavy lifting will be done by the NOI at Harbor Loop and 109 Rogers. He needs a letter from the Shellfish Department.

Mr. Feener requested the plan be included with the application.

Public comment: None

Motion: To continue NOI for 19 and 19R Harbor Loop, submitted by the City of Gloucester (Represented by GZA GeoEnvironmental Inc) to construct a floating dock system that includes floats, gangways, marine sewage pump out station and a davit (Map 9, Lot 16 & 14) to the November 19th meeting.

1st: Helene Shaw-Kwasie

2nd: Robert Sherman

Vote: 6-0

- C. NEW NOI: 23-25 Harbor Loop:** Submitted by Maritime Gloucester Museum (Represented by Wetlands and Land Management Inc) to expand a woodshop for audience viewing of a ship restoration. (Map 9, Lot 17 & 18)

**Bill Manuell, Wetland Specialist, Wetlands & Land Management
100 Conifer Hill Drive, Danvers, MA**

Mr. Manuell's client would like to bring a wood ship through the marine railway and dry dock it on the site. The plan is to build an enclosed and weatherize structure around the ship and refurbish it as part of the museum display. The surface of the deck will be a full story above the elevation of the wharf so the public can see down into the ship. He described the project details and the areas impacted; some docks will be lost; the marine area will be affected; and all pavement removed will be separated and hauled off site. There will be dumpsters onsite and the area will be cleaned up on a regular basis. This project is separate from the others heard for Harbor Loop and work will begin as soon as approved.

Motion: To approve NOI at 23-25 Harbor Loop, submitted by Maritime Gloucester Museum (Represented by Wetlands and Land Management Inc) to expand a woodshop for audience viewing of a ship restoration. (Map 9, Lot 17 & 18) with the following conditions:

- 3-day period to remove soil and debris
- Dumpster included in site plan

1st: Robert Sherman

2nd: John Feener

Vote: 6-0

- D. NEW RDA: 61 Farrington Avenue:** Submitted by Andrew Abella (Represented by Gateway Consultants), to remove a dwelling and build a new structure outside the buffer zone. (Map 134, Lot 38)

**John Judd, Gateway Consultants
33 Forest Hill Avenue, Lynnfield, MA**

Mr. Judd reviewed plans and the flat area outside of the buffer zone. He is proposing the removal of the buffer zone and installation of a rain garden to handle any overland run off from rainfall events. The utilities will come in through the existing locations.

Chairman Gulla noted the planting will be in the buffer zone and requested he stabilize the area as soon as possible. **Mr. Feener** requested the applicant note the soils will be similar to native soils.

Public comment: None

Motion: For negative determination of RDA, 61 Farrington Avenue, submitted by Andrew Abella (Represented by Gateway Consultants), to remove a dwelling and build a new structure outside the buffer zone. (Map 134, Lot 38)

1st: Ann Jo Jackson

2nd: John Feener

Vote: 6-0

- E. NEW RDA: 37 Dennison Street:** Submitted by Wanda Young (Represented by Gateway Consultants), to construct a 12 x 38.5 foot addition and a 10 x 16 foot deck. (Map 115, Lot 5)

**John Judd, Gateway Consultants
33 Forest Hill Avenue, Lynnfield, MA**

Mr. Judd introduced the owners of the property and their proposal to remove an existing covered porch on the property and replace with a deck. The location is at the top of Goose Cove; existing buffer is hatched; closest point is 74 ft to coastal point; no tree removal is necessary; and utilities will stay as they exist.

Public comment: None

Motion: For negative determination of RDA at 37 Dennison Street, submitted by Wanda Young (Represented by Gateway Consultants), to construct a 12 x 38.5 foot addition and a 10 x 16 foot deck (Map 115, Lot 5) with a condition that a small rain garden be place at least in a 1-to-1 ratio of the size of the project.

1st: Ann Jo Jackson

2nd: John Feener

Vote: 6-0

VII. OTHER COMMISSION BUSINESS - Requests for Letter Permits/Modifications

- A. Discussion of proposed new filing fees**

- B. Letter Permit: Essex County Greenbelt, Concord Street parking lot**

There is a concern about contaminants and the board requested **Agent Whittaker** verify if the parking area is sloping towards or away from the resource.

- C. Minor Modification: 10 Concord Street, soil stockpile relocation nearer to wetland**

The stockpile is due to the reconstruction of the school. Agent Whittaker has the file and is ok with this modification.

Motion: To approve the Minor Modification at 10 Concord Street, soil stockpile relocation nearer to wetland.

1st: Ann Jo Jackson

2nd: Helene Shaw-Kwasie

Vote: 6-0

- D. Letter of Permit: 53 Nashua Avenue: Second story raised roof**

The board researched the history of this request. It is a letter permit not a modification, but should be reviewed by the commission in detail since it is a large project. The application will follow the same pattern as the first story of the structure.

- E. Letter of Interest for Commissioner re-appointment**

Agents Whittaker and Carpenter seek letters of interest from commissioners who are up for re-appointment on February 14, 2015: John Feener, Charles Anderson, Barry Gradwohl, and Robert Sherman.

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

337 Concord Street: Agent Whittaker went out to the site and determined the site is outside of jurisdiction and plans to contact the property owner by email.

20 Keystone Lane: The repairs started this week and the Agents have info for the NOI.

VIII. CERTIFICATES OF COMPLIANCE

35 Niles Pond Road
28-2331: 1 and 3 Rackliffe
28-2217: 3 Rackliffe

Motion: To approve the three certificates of compliance for 35 Niles Pond Road; 28-2331: 1 and 3 Rackliffe; and 28-2217: 3 Rackliffe

1st: Helene Shaw-Kwasie

2nd: Ann Jo Jackson

Vote: 6-0

Motion: To adjourn.

1st: John Feener

2nd: Barry Gradwohl

Vote: 6-0

The meeting adjourned at 9:58pm