

CITY OF GLOUCESTER

CONSERVATION COMMISSION

MINUTES

WEDNESDAY NOVEMBER 19, 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- **Absent**, Charles Anderson, Barry Gradwohl, John Feener, Helene Shaw-Kwasie
Staff: Ken Whittaker, Agent; Osha Saylor, Recording Clerk

Chairman Gulla opened the meeting at 7:02pm

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

- 1.) **NEW NOI - Continued hearing and response to questions : 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)**

Chairman Gulla and **Agent Whittaker** confirmed the board received the follow-up information for the NOI including comments from the Shellfish Constable.

Mr. Feener asked for confirmation all the rules are being followed, including approval in writing from the City of Gloucester and documentation to confirm the state is on board with allowing National Grid to perform this project.

Agent Whittaker offered to work with Susan Egan to link up the paperwork.

Michele Leone, National Grid

Ms. Leone worked with Mr. Ken Lento and confirmed she has been working with the city. National Grid approves the plans the Harbormaster agreed to and the lease agreement is in process.

Mr. Feener agreed to the project now that he knows the proper lease is in process.

Motion: To approve the new NOI at 19 and 19R Harbor Loop s ubmitted by the City of Gloucester to construct a floating dock system that includes floats, gangways, marine sewage pump out station and a davit. (Map 9, Lot 16 & 14) .

1st: Ann Jo Jackson

2nd: Barry Gradwohl

Vote: Approved 6-0 with Charles Anderson abstaining.

I. PUBLIC COMMENT: None

III MINUTES REVIEW - July 16, August 6, September 17, October 1 and October 22, 2014

Board discussed the minutes in question and cleared up discrepancies about who was in attendance and any minor changes or updates that needed to be made.

Motion: To accept the meeting minutes from July 16, 2014.

1st: Helene Shaw-Kwasie

2nd: Barry Gradwohl

Vote: Approved 6-0

Motion: To accept the meeting minutes from August 6, 2014.

1st: Helene Shaw-Kwasie

2nd: Ann Jo Jackson

Vote: Approved 6-0

Motion: To accept the meeting minutes from September 17, 2014.

1st: Helene Shaw-Kwasie

2nd: Barry Gradwohl

Vote: Approved 6-0 with Ann Jo Jackson abstaining.

Motion: To accept the meeting minutes from October 1, 2014.

1st: Barry Gradwohl

2nd: Helene Shaw-Kwasie

Vote: Approved 6-0 with Ann Jo Jackson and John Feener abstaining.

The board confirmed the minutes from October 22nd and November 5th have been received and still need time to review. The other pending minutes are from September 3 and August 20, 2014. The Agent and Clerk will handle the backlog as soon as possible.

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)

AT THE REQUEST OF THE APPLICANT, THIS HEARING WILL BE CONTINUED TO DECEMBER 17, 2014.

Motion: To continue the Continued NOI for 644 Essex Avenue submitted by Roger LeBlanc for the construction of a duplex, driveway, utility installation, grading, landscaping and retaining walls (Map 237, Lot 109 and a portion of 4) to December 17, 2014.

1st: Barry Gradwohl

2nd: Helene Shaw-Kwasie

Vote: Approved 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)

AT THE REQUEST OF THE APPLICANT, THIS HEARING WILL BE CONTINUED TO DECEMBER 3, 2014.

Motion: To continue the Continued 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) to December 3, 2014.

1st: John Feener

2nd: Barry Gradwohl

Vote: Approved 6-0

- C. 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.

AT THE REQUEST OF THE APPLICANT, THIS HEARING WILL BE CONTINUED TO DECEMBER 3, 2014.

Motion: To continue the Continued NOI at 15 Mount Locust Place submitted by James Davis for the purpose of installing two retaining seawalls (Map 140, Lot 25) to December 3, 2014.

1st: Ann Jo Jackson

2nd: Helene Shaw-Kwasie

Vote: Approved 6-0

- D. 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).

AT THE REQUEST OF THE APPLICANT, THIS PROJECT APPLICATION HAS BEEN WITHDRAWN WITHOUT PREDJUDICE.

Motion: To approve the withdrawal for Continued NOI at 51 Causeway Street submitted by Don Sudbay (Map 140, Lot 25).

1st: Barry Gradwohl

2nd: Helene Shaw-Kwasie

Vote: Approved 6-0

- E. CONTINUED HEARING: 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)

Agent Whittaker reviewed the email response from the applicant and summary for the commission.

Mr. Feener reported that he submitted a list of questions for the dredging project and they were all properly identified in the email indicating what was to be addressed in tonight's meeting.

**John Colbert, GZA GeoEnvironmental, Inc.
372 Merrimac St, Newburyport, MA**

Mr. Colbert read through the responses including:

- Letters of support received from Shellfish and the Harbormaster
- Dredging materials quantification of various materials disposed and/or used to be provided at the end of the process
- MassDEP required documents' copies to be provided to the commission
- Spill equipment clarification: the process to respond to potential spills with containment hold sheens and isolation techniques were described by the applicant.
- MassDEP material spill documentation to be provided to commission if there is a spill
- contaminated soils to be left in place to be segregated by engineered barrier at a depth of approximately four feet
- There is no way at this time to connect to dig safe and applicant will continue to look into it.
- A copy of the monitoring plan for the pore water caps is to be provided to the commission, via the agent in a timely manner.

Chairman Gulla requested details on the mechanism used without a Dig Safe evaluation to prevent damage to utilities.

Mr. Colbert confirmed orange horizontal snow fencing is used to mark soils to be tested and cleaned. They will not be digging to more than about 4 feet unless to reach the utility. This is an industry standard for the barrier.

Mr. Feener appreciates Mr. Colbert's looking into the Dig Safe options. For deed restriction, Dig Safe is called first before digging a trench so it gets on the deed in case of transfer of ownership of the land.

Chairman Gulla reiterated that the Shellfish Constable gave his comments and said “no damage will be done to an area that is already in bad shape”.

Mr. Feener thanked Mr. Colbert again for sharing all this information with the commission. It helps the commission answer questions for the community in the future. For example, Mr. Colbert’s definition of the response kit is perfect and should be used as an example in the future.

Chairman Gulla requested a copy of the response kit description/procedure to review for future use.

Public comment: None

Motion: To approve the continued hearing 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).

1st: Ann Jo Jackson

2nd: John Feener

Vote: 6-0 with Charles Anderson abstaining.

- F. NEW ANRAD: 9-13 Old Salem Road** Submitted by Old Salem Path Investment Trust. J. William Codinha, Trustee (Represented by Mary Rimmer, Rimmer Environmental Consulting LLC) to determine the location and extent of wetland resources subject to Conservation Commission jurisdiction. (Map 215, Lots 19, 20 and 40)

Mary Rimmer, Rimmer Environmental Consulting LLC

30 Green St, Newbury, MA

Ms. Rimmer reviewed the plans for Old Salem Road, highlighting wetlands that are connected by a intermittent surface stream and surrounding existing lots. She also highlighted where Old Salem Road sits, at the bottom of several hills, and stated it is starting to develop into a stream channel although there is no definite channelization. She walked the site yesterday, November 18th with Agent Whittaker.

Agent Whittaker reported the wetland lags have been totally removed so he made a point to walk the entire site, described by him as unusual from a wetlands perspective, with Ms. Rimmer. There was good water flow yesterday coming down the hill and from a topography standpoint, he is comfortable with the delineation, which the commission has been presented.

Ms. Rimmer reported drainage further up Old Salem Road but there is no continuous channel down to the site. During high flows like yesterday may have some surface overflow but there are no intermittent streams in the area that meet the criteria for regulation as Riverfront (½ square mile of watershed). There may be some sheet flow but no channel to create the hydrologic connection to call it jurisdictional.

Public comment: None

Motion: To approve the new ANRAD for 9-13 Old Salem Road submitted by Old Salem Path Investment Trust. J. William Codinha, Trustee (Represented by Mary Rimmer, Rimmer Environmental Consulting LLC) to determine the location and extent of wetland resources subject to Conservation Commission jurisdiction (Map 215, Lots 19, 20 and 40).

1st: Ann Jo Jackson

2nd: Helene Shaw-Kwasie

Vote: Approved 6-0

- A. NEW RDA: 69 Riverview Road:** Submitted by William Lahey and Leslie Nicholson (Represented by Araneo Landworks, Inc.) build a retaining wall, and crushed stone patio with plantings. (Map94, Lot 24)

Matt Araneo, Araneo Landworks, Inc.

3 Jock Lane, Gloucester, MA

Mr. Araneo stated the work proposed is to build a loose fitting small boulder wall to retain a crushed stone patio and to install plantings. All the work is inside the 100ft buffer zone and within Riverfront area and the main scope is a stone stairway that leads down to the dock with plantings along the sides. The stone patio is at the top of the stairs with a small vegetable garden next to an existing wall. His company will be installing erosion control along the seawall and anywhere else it may be needed.

Chairman Gulla would like to see the math comparing the increase in impermeable area to the plantings to show an offset.

Mr. Araneo reported there will be approximately 32 steps, 3ft x 1.5 ft. wide. He will be adding more plantings than the area of new impervious surface and will do the calculation to make sure he is doubling that figure for plantings.

Mr. Feener asked about filter fabric and the drainage design to help with water flow. He is concerned about protecting the buffer down below closer to the resource. He would like to see additional planting nearer the resource area.

Mr. Araneo will put filter fabric behind the wall with plantings but does not believe he will be affecting the grade of the property.

Mr. Feener is not concerned with the area around the patio, it is down below that needs to be addressed. There will be more run off coming down to the area because of the new stones and he would like to see more plantings below to benefit the resource there.

Mr. Araneo answered further questions from Mr. Feener confirming there will be crushed stone underneath and small boulders for the wall; he will make sure the infiltration design includes filter fabric and means of water dispersion; and he will provide a plan for the entrance and exit path, should he require a Bobcat or any

other machinery to move stones in the back area.

Public comment: None

Motion: To approve the new RDA for 69 Riverview Road submitted by William Lahey and Leslie Nicholson (Represented by Araneo Landworks, Inc.) to build a retaining wall and crushed stone patio with plantings (Map94, Lot 24) under the conditions:

- **2-1 Mitigation provided for plantings vs. stones**
- **Filter fabric is utilized to protect resource**
- **Machinery being to move stones must be mapped out and noted on the plan.**

1st: John Feener

2nd: Helene Shaw-Kwasie

Vote: Approved 6-0

Agent Whittaker requested Mr. Araneo come into his office to finalize comments and plans to address the Commission's concerns so that they may be incorporated into the RDA prior to the start of work.

B. PRELIMINARY DISCUSSION IN ANTICIPATION OF NOI: 12 SUMNER

STREET: Submitted by Heidi Fialho (Represented by Mill River Consulting), to construct an on-site wastewater system within the boundary of the ACEC. (Map 115236, Lot 31).

Isaac Rowe, Mill River Consulting
6 Sargent Street, Gloucester, MA

Mr. Rowe reported he is looking for preliminary recommendations from the board prior to submitting an application for an NOI. He reviewed the potential site plans for a single family lot off Route 133 and Essex Ave on Sumner Street.

Chairman Gulla confirmed it is currently a vacant lot but it looks like someone is doing work there by hand since the summer. He asked Mr. Rowe to let the person who may be harvesting firewood to stop until he/she is certain the lot is not near the wetland resource area.

Mr. Rowe will handle and relay the message.

Mr. Rowe described the lot for the board, including its proximity of 200 ft. from Walker Creek, which follows Sumner Street, the salt marsh has been flagged with a 100ft buffer, and this is an Area of Critical Environmental Concern (ACEC). He is here because he wants to be mindful of the environment and regulations when putting a plan together.

Chairman Gulla asked for clarification on the plans. They include an onsite waste water remove system (septic system), but this is a new home on a vacant lot.

Mr. Rowe detailed the elevation of the near the ACEC line is 6.5, but rising up to 24 feet . He described where he estimates the ACEC Elevation point will be and established from this point. He understands he cannot put any wastewater treatment systems in close proximity to the ACEC but wanted to review options with the commission. He reported the soils were tested by and with the Board of Health in July 2014 with some good test pits and percolation test results. There is potential leaching here and he understands restrictions of proximity to the resource area governed by the Board of Health and the Wetlands Protections Act. They would allow a septic system if he provides a pre-pretreatment system to purify the wastewater prior to discharge.

Chairman Gulla asked for clarification on why Mr. Rowe met with the Board of Health.

Mr. Rowe explained the lot is within 200ft of the ACEC and then reviewed where the rain garden to off et construction of impermeable area might go. He is looking for comments from the commission to include in his full application.

Chairman Gulla expressed concern about the distance of the house to the main road. He wants to make sure all the space is utilized and the backyard will be maximized to discourage activities in close proximity to the ACEC. He is also concerned about the materials that will be used for a driveway and its proximity to the resource buffer zone.

Mr. Feener expressed concern about the removal of large trees and old root systems on a steep slope lot. He believes it will cause erosion quickly and it may be hard to approve the removal of larger trees. He recommended Mr. Rowe include details in his narrative about putting a stone water infiltration design, installing a rain garden, what steps will be taken to slow velocity to make sure the infiltration device is maintained long term. It is important to keep the rain garden and ACEC concerns separate in the plans.

Mr. Rowe explained there are some larger trees to be removed but mostly overgrown brush. No work will be done on the riverfront.

Chairman Gulla asked for clarification on the purpose of the rain garden plans.

Mr. Rowe explained the plans are to address the drainage regulations set by the city. The rain garden will also be a feature on the lot.

Chairman Gulla commented on the difficulty to meet infiltration demands but thinks a suitable structure may help. Adding a rain garden will take up space on the small lot and prefers he try other things like a drippage mechanical system instead of a rain garden so it doesn't take up too much space.

Mr. Feener commented that a rain garden can be used under grass as drainage.

Chairman Gulla commented further that if Mr. Rowe uses subterranean methods to keep more yard space for jungle gym, etc. it will prevent pushing the lot back towards the resources. This is a sensitive area, especially ACEC. It is part of the great marsh.

Mr. Feener asked about the cliffs, ledges, and shrubs near and on the slope. He wants to make sure the entire area will not be significantly down to the wetlands if they will be removed.

Mr. Rowe confirmed most of the lot area is filling.

Ms. Shaw-Kwasie asked that trees be included on the plans.

Mr. Feener asked that the trees and the species be included.

Mr. Gradwohl commented on the driveway and suggested to reduce mitigation; Mr. Rowe could use a different type of driveway (i.e. permeable design).

Chairman Gulla agreed that a material like gravel or a pervious paver would be preferred.

Mr. Feener asked that plans to capture rain water be included.

No further comments/recommendations from the board.

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

A. Discussion of proposed new filing fees

Agent Whittaker asked if the commission is comfortable with the new fees.

Chairman Gulla wants to be sure the fees are in line with everyone else.

Agent Whittaker confirmed no major changes are being made and only a few categories of fees are being increased.

B. Letter of Interest for Commissioner re-appointment

Agent Whittaker would like all interested in re-appointment send his office a letter to confirm. There are four commissions up on February 15, 2015: Barry Gradwohl, Charles Anderson, Robert Sherman, and Helene Shaw-Kwasie. He has also received a letter from a non-current member expressing interest.

Ms. Shaw-Kwasie and **Mr. Gradwohl** are interested in re-appointment.

Mr. Anderson is not interested.

Chairman Gulla will send an email to Mr. Sherman to confirm if he is going to stay on, as he would like to have no gap in appointing new commissioners.

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

154 Wheeler Street

Agent Whittaker confirmed there is no update. He spoke with the contractor on the site over the phone and anticipates a filing soon. He will also be going by to take photos.

644-640 Essex Avenue

Chairman Gulla brought up the recent site walk at this location. Since the site walk, an existing culvert on the side of the roadway has now been cleared and water level lowered. He recommended the Agent communicate to the applicant and/or his representative that this shows a lack of sensitivity to what was discussed on-site about how close this project is to the resource area. A Cease and Desist enforcement order is warranted here to let the applicant know they do not have carte blanche to alter the resource area or existing structures. He is concerned about what should be done next now that the water was drained. He noted that in the upland area on the site there was also a cut tree, disturbed soil, and evidence of perhaps recent test pit installation.

Agent Whittaker is meeting with the contact tomorrow on this project. He spoke with him and gave them a verbal Cease and Desist and will follow up in writing.

Chairman Gulla asked if there is any further action the commission should take to remedy the situation.

Mr. Feener explained the higher water was likely effect in the area but rapidly lowering of the water is unlikely to have a positive impact on the resource.

Chairman Gulla recalled at the site visit there was discussion about fixing the culvert. He asked if they had would it have fixed it in a way that kept the water levels the same.

Mr. Feener confirmed it would it would have been best to keep the water at the same height while allowing the water some velocity to move.

Chairman Gulla asked for clarification if in a future design it would be appropriate to drain it at any time to improve the health of the wetland.

Mr. Feener confirmed the answer is no. He stated that you would want to keep water at the same level the whole time. This may also cause issue on abutter's property now that water is moving at a high speed. He also believes there is additional work that has been done on the property.

VIII. CERTIFICATES OF COMPLIANCE

Motion: To approve the certificates of compliance for:

28-2286: 10 Oakes Lane - New Septic System

28-2318: 367 Concord Street - New Septic System

28-2293: 728 Washington Street - SFH Addition and Planting Plan

28-2167: 26 Rockwood Lane - Work Never Started

1st: Helene Shaw-Kwasie

2nd: John Feener

Vote: 6-0

The meeting adjourned at 8:10pm.