

**CITY OF GLOUCESTER**  
**CONSERVATION COMMISSION**  
**MINUTES**

WEDNESDAY December 17, 2014 - 7:00 PM  
City Hall, 2<sup>nd</sup> Floor, Kyrouz Auditorium  
Robert Gulla Chair

**Members Present:** Robert Gulla, Chair, Robert Sherman, Barry Gradwohl, John Feener,  
**Staff:** Ken Whittaker, Agent;

Chairman Gulla opened the meeting at 7:09pm

I. 1-5 minutes, review of amended, updated or final information, status reviews, modifications, signing decisions etc. – No comments or presentations

**II. PUBLIC COMMENT:** None

**III MINUTES REVIEW** – Nov. 5 and Nov. 19 not available for review. A brief discussion on current status of minutes was held. The Agent identified that all outstanding minutes should be provided by exiting recording clerk by end of year, including August 20 and November 5 and 19. The Agent still needs to listen to recording of September 3 meeting, held by the Chair Board.

**Motion: To accept the meeting minutes from October 22, 2014.**

**1<sup>st</sup>: Barry Gradwohl**

**2<sup>nd</sup>: John Feener**

**Vote: Approved 4-0**

**IV. Block 1\* Continued Projects**

**A. Continued NOI: 41 River Road:** Submitted by Campbell Edlund (represented by Seaside Legal Solutions P.C.), for replacement of a pea-stone driveway with concrete pavers in buffer zone. (Map 118, Lot 5). – Motion To Continue at the request of applicant – approved by unanimous vote

**B. 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 and discussion of enforcement related to culvert approach alteration. (Map 237, Lot 109 and a portion of 4) – Motion To Continue at the request of applicant – approved by unanimous vote – discussion ensued regarding possible impact of work on “daylighting: the culvert under the camp road on

the property (subject of an enforcement order). The applicant's representative presented arguments that recent drop in water level was due to downstream factors and that recent high water levels were anomalous and unrelated to the functioning of the culvert. A site visit was scheduled for Friday morning, December 19. In addition the applicant was requested to provide a "whole lot" drawing to help the Commission assess other possibilities for access to the proposed build site and also to provide a construction sequence and discussion of vehicular access on and around the proposed development.

**C. CONTINUED NOI: 37 Niles Pond Road:** Submitted by Society of Jesus of New England Corp. (represented by Westcott Site Services) for demolition of one wing of an existing structure and building a new wing of slightly greater size in the same area. (Map 135, Lot 2). The applicant provided revised drawings of discharge structures for downspout drainage 2 foot by 3 foot stone drainage structures (the applicant was asked to correct the drawing to confirm the 2 foot dimension) at several locations around the proposed new wing. New drawings also showed a new plan for invasive species removal and replanting of native species (including information on proposed species and container sizes) nearer the resource area. In turn the applicant asked for agreement to remove ornamental planting beds from the grassed area of the property and the ability to place mulch in low areas of the woodland paths primarily for safety concerns. The Commission requested that an invasive species management and monitoring plan be submitted as a condition of approval of the order of Conditions, the plan to include requirements for before and after photos, specific identification of the invasive species to be removed, the type and amount of chemicals to be used in invasive species control, methods as to how the invasive species will be controlled/removed (mowing, pulling up by the roots, etc.), and specifics on the last treatment at the end of the second season and information of how the success of the effort will be assessed. The Commission asked that mulch addition to the walking paths be limited to a single application accompanied by signs prohibiting dumping of grass cuttings or leave litter in the area. Motion to approve the NOI by Gradwohl, Second by Feener, motion passed unanimously.

**D. 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). ..Motion to Continue Until January 7, 2015 at the request of the applicant approved by unanimous vote.

**E. 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. Matter previously continued at the request of the applicant until January 21, 2015.

- F. NEW NOI: 78 THATCHER ROAD:** Submitted by 78 Thatcher Road LLC (Represented by the Morin-Cameron Group, Inc.,) for development of an existing commercial restaurant into a 6 unit residential subdivision (Map 179, Lot 44). Matter previously continued at the request of the applicant until January 21, 2015.

V. Block II\* NEW Projects

- G. NEW RFD: 21 GREAT REPUBLIC DRIVE:** Submitted by Gloucester Seafood Processing (an after the fact submittal – upon recommendation) (represented by Ken Walley) for removal of old pavement and minor addition of existing pavement to a new driveway area to allow truck traffic through buffer zone. The applicant proposes 1) to pitch the small amount of new pavement (approx. 250 square feet away from the resource area, 2) to install a berm to prevent sheet flow of run-off over the embankment to the east and 3) install a berm downgradient of the existing catch basin to ensure that runoff discharges directly to the detention basin and not over the embankment. The Commission conditioned issuance of the RFD of accomplishing these activities and clearly marking/showing them on the construction plan. The Commission also requested as a condition of approval development and implementation of a snow and ice management plan which would ensure snow storage/disposal outside of the 100 foot buffer zone, a zone which should be permanently marked in the open grassy area to the south of the main plant. This plan should include information on the equipment and procedures for snow removal to be used, and other management detail. Subject to these conditions, the Commission voted unanimously to approve the RFD for the project.

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

- A. Vote To Rescind Vote on Matter #28-2348 (25-31 Rocky Neck Avenue).** - This NOI having been previously withdrawn/abandoned by the applicant, the Commission unanimously voted to rescind its previous approval of the NOI.
- B. Schedule Allowances for Receipt of DEP Comments.** At the suggestion of the Agent that the Commission await MassDEP comments before voting on applications, the chair stated his understanding that MassDEP had advised

him that such delays are not allowed and that the Commission should proceed in the normal course of business if MassDEP comments have not been received. The Agent was directed to research this issue and report back.

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

**154 Wheeler Street** – the Agent noted that an after the fact NOI application is expected soon and will become before the Commission shortly. Commissioner Feener noted several small suggested corrections on the preliminary planting plan that had previously submitted by the property owner's landscape consultant.

**Marshall Farm – Concord Street** – the Agent noted that the violator had been non-responsive to the Enforcement order that had been previously issued, and was advised by the chair to send one more written warning before assessing fines and referring the matter to MassDEP.

**Superseding Order on 209 Essex Street** – The Commission unanimously voted to accept MassDEP's Superseding Order in this case, essentially requiring complete restoration of the previously filled drainage area/ditch from Fernald Pond, thus closing out this enforcement matter and the denial of the NOI to the applicant.

## VIII. **CERTIFICATES OF COMPLIANCE**

**#28-1750 – 13 Becker Circle** - Re-signature on CoC – this being merely an administrative “re-signature for recording purposes – no vote was necessary.

**#28-1521 – 227 Atlantic Road** - Issues related to partial CoC – the agent explained further efforts were needed by the applicant to address site restriction issues that were not addressed in the previously submitted “partial” Certificate of Compliance for the property.

**#28-1772 – 275 Atlantic Road** - Assistance from Dept. of Public Works – the Agent has requested DPW assistance to do the surveying work necessary to confirm that construction of a drain pipe that was the subject of this CoC was properly installed.

**#28 – 2236 – 1 Wingersheek Road** - CoC unanimously approved upon the recommendation of the Agent