

CITY OF GLOUCESTER

CONSERVATION COMMISSION

MINUTES

WEDNESDAY April 1, 2015 - 7:00 PM
City Hall, 2nd Floor, Kyrouz Auditorium
Robert Gulla - Chair

Members Present: Robert Gulla - Chair, Anne Jo Jackson - Vice-Chair, Linda Charpentier, John Feener, Barry Gradwohl, Robert Sherman

Staff Present: Ken Whittaker - Agent, Courtney Karcher – Recording Clerk

Chairman Gulla opened the meeting at 7:06PM

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

Peter Ogren – Hayes Engineering – Discussion of a Proposed Minor Modification to Existing order of Conditions at **161 Thatcher Street**.

Motion to continue discussion of Minor Modification to **161 Thatcher Street** to April 15, 2015 made by Ms. Jackson, seconded by Mr. Gradwohl, approved unanimously. Ms. Charpentier abstained.

II. PUBLIC COMMENT:

Presenter: Noelle Mann – 12 Dorset Drive, Gloucester, MA

Ms. Mann, a member of the Open Space Commission, presented her concerns relative to Self-Help purchases of land on Dogtown Road as well as wood lots including Whale’s Jaw. Ms. Mann provided a history of the purchase of land along with a map, which were filed with the Agent.

The roughly 175 acres are protected under Chapter 97, which Ms. Mann finds to be an inadequate level of protection. Ms. Mann believes the land, which is of high economic and ecological value should be kept in conservation permanently.

Ms. Mann presented that in 2007, the Essex National Heritage Commission concluded a study to include Dogtown on the Heritage Landscape Inventory. Recently, the Gloucester Historic Commission has resolved to pursue Heritage Designation. There is growing public interest; the Gloucester Dogtown Commission is in the process of re-establishment, and a new group, the Friends of Dogtown are making plans to (mission statement): “*conserve, interpret and celebrate Dogtown.*”

Ms. Mann noted that Susanne Egan, recently departed City Solicitor, suggested a conservation restriction on these parcels would provide better

protection as well as show that Gloucester wants Dogtown to remain open space for the continued use of the public within a Conservation Designation.

Ms. Mann stated that it is only through the Conservation Commission and a request to the Mayor and City Counsel that any improvement in the nominal conservation status of Chapter 97 land can be established.

Ms. Mann introduced Edward Becker of Essex County Greenbelt Association, to discuss the ways some Massachusetts communities are dealing with deficiencies in Chapter 97 legislation.

Presenter: Edward Becker, Executive Director, Essex County Greenbelt Association – 82 Eastern Avenue, Essex, MA

Mr. Baker introduced a brief description of Essex County Greenbelt, a local land trust. He discussed the work ECGB has done through conservation restrictions. Conservation restriction is a device that is being used increasingly on Chapter 97 land as a way to make sure conservation protection is perpetual. Mr. Baker noted that there is precedent for this type of partnership; where city owned land acquired with CPA funds grants a conservation restriction to a land trust, such as ECBG. Or, vice versa, when land acquired with CPA funds by ECGB grants a conservation restriction to the city.

Mr. Becker stated that Essex County Greenbelt stands ready to work with the City if they would like to pursue this kind of partnership for Dogtown.

Mr. Feener requested a maintenance plan be in place for the land before moving forward and offered his assistance.

Mr. Baker replied that a maintenance plan is part of the process and documented in the agreement.

Mr. Gulla noted that the Commission is always interested in conservation, as well as partnership and to feel free to come to the Conservation Commission with whatever is needed to move forward.

Ms. Mann requested a letter from the Conservation Commission stating its support.

Mr. Whittaker will write the letter.

Public Comment Closed

III. MINUTES REVIEW:

Motion to approve the Meeting Minutes from **February 18, 2015** made by Mr. Gradwohl, seconded by Ms. Jackson, approved unanimously. Ms. Charpentier abstained.

Consideration of the draft minutes from the meeting of **March 18, 2015** was deferred until the next meeting.

IV. Block 1* Continued Projects

- A) Continued RDA: 10 Doanne Road - RDA # 1429:** Submitted by William and Susan Aaron (Represented by Self) in application for removal and replanting, expansion of vegetation in Riverfront Area (Map 99 Lot 13).

Presenter: William and Susan Aaron - 10 Doanne Rd, Gloucester, MA

Mrs. Aaron stated that the couple purchased the property in July 2014. They removed two areas of trees that they did not realize were in a buffer zone. An after the fact permit was filed. Mr. and Mrs. Aaron plan to replant trees and have consulted with a landscaper.

Mr. and Mrs. Aaron had removed (down to the stump) three sumac trees located at the back of the property, toward the Mill River. They propose to plant nine Arrowwood Viburnum trees to replace them. Toward the front of the property, they will replace three removed trees with six high bush blueberry bushes.

Mr. Whittaker pointed out that the concern was stabilizing the slope down toward the river.

Mr. Feener noted that the Sumac would grow back this year. Arrowwood Viburnum's mature height is six feet, therefore he recommends planting a shade tree as well.

Mr. Gulla stated he appreciated the Aarons' coming before the Commission.

Public Comment: None

Condition:

1. Applicant to plant nine Arrowwood Viburnum trees and one native shade tree

Motion for a negative determination for the project at **10 Doanne Road - RDA # 1429** with aforementioned condition made by Ms. Jackson, seconded by Mr. Gradwohl, approved unanimously. Ms. Charpentier abstained.

- B) Continued RDA: 6 Andrews Street – Lanes Cove - RDA # 1383:** Submitted by Jane Rose for partial after the fact removal of invasive species with

landscaping and soil stabilization in buffer zone to coastal beach (Map 142, Lots 62 and 45).

Presenter: Jane Rose – 6 Andrews Street, Gloucester, MA

Ms. Rose stated that she has done some cutting on 3 Lanes Cove Road, which was unintentionally drastic. She had hired help, and they cut more than Ms. Rose intended. Ms. Rose has hired a consultant and they have recommended installing rain gardens to the property. Because the property is sloped, and therefore there is a lot of storm water on the site, she will also add rain barrels. Ms. Rose proposed a planting plan of four arborvitae trees along the Lanes Cove Road side of the property and four arborvitae trees along the Andrews Street property border.

Mr. Whittaker reviewed the two part proposed plan. There is an invasive removal plan that is addressed in the filed planning plan, and has been revised since initial submittal in 2013. There is also recent planting next to Lanes Cove Road, where the Roses' have planted ornamentals as well as native species, and where the proposed rain gardens would be installed. The rain gardens would help to properly absorb run-off before it reaches Lanes Cove Road.

Mr. Gulla asked Mr. Whittaker if he was comfortable with the proposed plan.

Mr. Whittaker replied that he has met with the applicant and toured the site several times. He is comfortable with the bottom area and was pleased with their attempts to put silt control socks along the stream to enhance the infiltration and has no problem with the planting and maintenance.

Mr. Gulla discussed a projected timetable with the Applicant. He noted that because of the initial violation he proposed some type of control going forward.

Mr. Whittaker proposed to add information to the RDA in regard to a rough schedule over the next two years as well as periodic inspections by the Agent. If measurable progress has not been made over the next two years, the Commission would reserve the right to visit the site and re-visit a potential violation.

Mr. Feener applauded the Applicant for helping to remedy the water flow to the lower areas. He would like to see the water retention flow devices installed prior to the vegetation replacement. Mr. Feener noted in regard to facilitating re-growth in the lower area that as far as the ecological succession of the lower area is concerned a 15% to 20% thinning of the overall canopy to allow sunlight penetration is necessary for this occurrence to happen. He requested that it be added to the narrative.

Public Comment: None

Motion to put forth a negative determination subject to the above issues and determinations for the project at **6 Andrews Street – Lanes Cove – RDA #1383** made by Ms. Jackson, seconded by Mr. Sherman, approved unanimously. Ms. Charpentier abstained.

- C) **Continued NOI – 644 Essex Avenue – MassDEP #28-2367:** 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 the project at **644 Essex Avenue – MassDEP #28-2367** to April 15, 2015 made by Ms. Jackson, seconded by Mr. Gradwohl, approved unanimously. Ms. Charpentier abstained.

- D) **Continued NOI: 15 Mount Locust Place – MassDEP # 28-2334:** Submitted by James Davis (Represented by Hayes Engineering) for the purpose of installing two retaining seawalls (Map 140, Lot 25).

Mr. Whittaker noted that the Applicant has a Coastal Geologist report pending.

Motion to continue the project at **15 Mount Locust Place – MassDEP # 28-2334** to May 6, 2015 made by Ms. Jackson, seconded by Mr. Sherman, approved unanimously. Ms. Charpentier abstained.

- E) **Continued NOI: 14 Juniper Road – MassDEP #28-2384:** Submitted by Tom and Debbie Riquier (Represented by Wetlands and Land Management Inc.) for the removal and construction of a single family home in buffer zone to coastal bank and Riverfront Area. (Map 96, Lot 40).

Presenter: Bill Manuel – Wetlands and Land Management Inc., 100 Conifer Hill Dr # 516, Danvers, MA

Mr. Manuel reviewed information from the last meeting. The proposed plan has a net increase of 492 square feet of impervious area. The Applicant is offering 2:1 mitigation with a mixture of native shrubs to be planted along the river.

Mr. Manuel noted that the covered porch is very important to the entire project for various reasons. He wanted to make it clear that the project does not go closer to the river than the existing structure. Mr. Manuel filed a letter that explained this, along with a map highlighting the previous structure versus the proposed structure. He pointed out details of the plans to the Commission including the overlap of the existing structure to the proposed covered deck and the distances of the proposed structure from the River. The proposed

total mitigation will equal 1500 square feet, which is a factor of three over the net increase of impervious area.

Mr. Gulla and Ms. Jackson reviewed the conditions that would make the patio pervious or impervious.

Ms. Jackson expressed that she is comfortable with the project as is.

Mr. Feener stated that he had reviewed the performance standards and this plan more than meets them. He stated that in his opinion the plan improves on the land.

Mr. Sherman reviewed his statement from the last meeting, which was that any addition of impervious surface toward the resource goes against the spirit of protecting the resource. Looking at this project, and the included mitigation, versus others that the Commission has approved, Mr. Sherman would approve this project.

Public Comment:

Brandon Frontiero – 13 Juniper Road, Gloucester, MA - Mr. Frontiero, a neighbor, is in favor of project. He stated that removing the existing patio, which is a concrete patio, is a gain for drainage on the site. In addition the covered deck will be open underneath. With this, and the proposed plantings, he thinks this will be an improvement to the property.

Public Comment Closed

Condition:

1. Two-year plant mortality clause.

Motion to approve project at **14 Juniper Road – MassDEP #28-2384** with the aforementioned condition made by Mr. Sherman, seconded by Ms. Jackson, approved unanimously. Ms. Charpentier abstained.

- F) **Continued NOI: 166 Bray Street - # GWO15-01:** Submitted by Chris McCarthy (Represented by Self) in application for single family home construction within buffer zone to Area of Critical Environmental Concern (ACEC) (Map 247, Lot 6).

Presenter: Chris McCarthy – 15 Wyoma Road, Gloucester, MA

Mr. Gulla noted that the Commission conducted a site visit to the property.

Mr. McCarthy presented the revised plan, which includes that the foundation will be clipped in the back near the 100-foot setback; a rain garden as well as additional plantings will be added; and the crushed stone driveway will be downsized and realigned. The waterline will be

placed down the driveway for the least amount of disturbance to the surrounding area.

Mr. McCarthy plans to ask the advice of the Commission, through the Agent, in regard to the planting plan.

Mr. Gulla requested the Applicant resubmit an updated diagram of tree removal.

Mr. Feener noted a few clerical issues for Mr. McCarthy to address on the proposed planting plan.

Mr. McCarthy offered the Commission offsite mitigation in the form of working with the Conservation Commission and West Parish School to plant 2500 plugs of American Dune Grass at the public beach.

Public Comment: None

Conditions:

1. The water line will be placed down the middle of the driveway for the least amount of disturbance
2. Any manipulations to the rain garden will be reviewed with Mr. Whittaker prior
3. The Applicant will resubmit an updated diagram of tree removal
4. After tree removal, the Applicant will submit an updated planting plan

Motion to approve the project at **166 Bray Street - # GWO15-01** with the aforementioned conditions made by Mr. Gradwohl, seconded by Ms. Jackson, approved unanimously. Ms. Charpentier abstained.

- G) **Continued NOI: 71 Bond Street – MassDEP # 28-2383:** Submitted by Bruce Tarr (represented by Gateway Consultants, John Judd) in application to construct new residential dwelling, driveway with grading and utility connections (Map 218, Lot to be specified).

Mr. Gulla noted that the Commission conducted a site visit on March 29, 2015.

Presenter: John Judd, Engineer - Gateway Consultants, 33 Forest Hill Avenue, Lynnfield, MA

Mr. Judd reviewed the modifications requested during the site visit, including the installation of a rain garden to treat the run – off that comes down Bond Street and is going into the marsh. The Applicant has added this into the revised plan. The applicant has also added the expansion to the proposed deck.

In regard to the invasive plant removal along marsh, the Applicant has agreed to densely re-plant in order to protect the area. The Applicant is prepared to submit a more detailed planting plan to be included in the Order of Conditions.

Mr. Feener noted that he has an article with common plantings that he would like considered and implemented by Applicant. He will distribute to the Commission and Applicant.

Public Comment: None

Condition:

1. The Applicant will submit a revised planting plan inclusive of updated material

Motion to approve the project at **71 Bond Street – MassDEP # 28 -2383** with the aforementioned condition made by Ms. Jackson, seconded by Mr. Gradwohl, approved unanimously. Ms. Charpentier abstained.

- H) **Continued NOI: 36 Thurston Point Road MassDEP # 28-.....:** Submitted by Frank Quirk (represented by Gateway Consultants, John Judd) in application to construct a replacement sea wall and upgrade existing pier in Riverfront Area (Map 98, Lot 61).

Presenter: John Judd, Engineer - Gateway Consultants, 33 Forest Hill Avenue, Lynnfield MA

Mr. Judd stated that the Applicant heard the concerns voiced at the last meeting and has taken the construction of a new wall near the right of way off of the plan.

Mr. Whittaker noted that there are new pictures of the property for review. Also, there has been a letter filed, from abutters to the property, against construction on the right of way.

Mr. Judd stated that the revised plan was submitted to The Massachusetts Department of Marine Fisheries. The letter from DMF in response was favorable to the revised plan.

Mr. Judd and the Commission reviewed pictures of the property. Mr. Judd noted that the proposed 33-foot wall would not extend over property line. The elevation of the existing wall and the proposed wall is the same.

Mr. Gulla stated that there was a question of armoring a coastal bank by reconstructing a wall.

Mr. Feener noted that the Applicant should not remove the rocks that are underwater at high tide.

Public Comment:

Donald Laurie – 27 Thurston Point Road, Gloucester, MA - Mr. Laurie questioned how long the proposed wall would be. He is concerned by encroachment to the right of way. Mr. Laurie also voiced concern over supervision of the construction of the proposed wall.

Mr. Gulla noted that there is an engineered survey plan on record, filed with the City, which Mr. Laurie can reference if need be. He noted that sometimes-intermediate site visits would be ordered. Also, often there is a lien placed on the property while construction is under way, which is lifted after a final inspection and approval by the Commission.

Mr. Whittaker requested Mr. Judd stake out the length of the proposed wall to resolve any issues of encroachment on the right of way.

Karen Scalli – 23 Thurston Point Road, Gloucester, MA - Ms. Scalli stated her concern with encroachment on right of way.

Cheryl McPhee – 37 Thurston Point Road, Gloucester, MA - Ms. McPhee noted she has lived on Thurston Point Road for 45 years. She believes the wall existed before the Applicant bought the property. She believes the Applicant has taken liberties with the property before and she is concerned with monitoring the project. Ms. McPhee noted that the Applicant has encroached on right of way before.

Public Comment Closed

Conditions:

- 1) Before construction of the wall the area to be constructed must be staked and inspected by Mr. Whittaker.
- 2) After construction Mr. Whittaker will conduct an inspection to make sure of correct placement.

Motion to approve the project at **36 Thurston Point Road MassDEP # 28-....:** with the aforementioned conditions made by Ms. Jackson, seconded by Mr. Sherman, approved unanimously. Ms. Charpentier abstained.

V. Block II* NEW Projects

- I) **New RDA: 75 Dolliver's Neck Drive # RDA1435:** Submitted by David & Emily McPherson for installation of leaching field and septic system within buffer zone to (Map 201 Lot 94).

Mr. Whittaker informed the Commission that there is an Order of Conditions for the approved placement of the septic system. A neighbor to

the property brought to his attention that the original drawing failed to account for an additional resource area (marsh). There is no place to put system that is completely outside buffer zone. Mr. Whittaker stated he thought it was in the best interest of all parties to satisfy the neighbor's concern. The Applicant expressed they would be more comfortable going forward if the Commission has a complete record. Mr. Whittaker noted that the system proposed is an advanced septic system.

Public Comment:

Edward Klickstein - 62 Dolliver's Neck, Gloucester, MA - Mr. Klickstein spoke in favor of the new system. He wanted to make sure the additional resource that was not included in the initial plan was taken into consideration and the new system would be situated appropriately.

Public Comment Closed

Mr. Feener stated that the new system should be careful in controlling equipment access and disposal of excess soils around vegetation in order to insure the least amount of mortality to surrounding trees.

Conditions:

1. Mr. Whittaker will conduct a pre-construction inspection in regard to the placement of the new septic system.
2. Two-year tree mortality clause.

Motion for a negative determination for the project at **75 Dolliver Neck Drive #RD 1435** with the aforementioned conditions made by Ms. Jackson, seconded by Mr. Sherman, approved unanimously.

- J) **New NOI: 59 Riverview Road MA DEP # 28-...** Submitted by Bruce Ross to reconstruct retaining wall and revetment slope on bank of Annisquam River, also repair pool and decking (Map 94 Lot 71).

Presenter: Frederick Geisel, Civil engineer, Geisel Engineering – 15 Steep Hill Drive, Gloucester, MA

Mr. Geisel explained that on the property there is mortared granite stone revetment on the 30-degree slope from below the high tide line up to the edge of the retaining wall. Due to a high-pressure leak from the swimming pool, water ran down and undermined the stones. This, along with subsequent storms, has created a sinkhole, and the wall sunk and collapsed.

The Applicant is proposing to replace the existing concrete wall. He noted that they would not know what the condition is underneath the wall until excavation, after removal of the concrete deck. The proposed plan is to build a new, deeper (by three feet) concrete wall. The proposed

replacement wall will be a boulder revetment. The neighboring property has granted the Applicant a licensing agreement for use during construction for materials and equipment in order for most of the work to occur upland.

Mr. Gulla requested clarification on removing the armored bank, and then replacing it. He wanted to make sure the Applicant is considering the longevity of the replacement structure. Mr. Gulla also recommended, in the case of a stone falling into the resource, the Applicant document it, leave it and report back to the Commission.

Mr. Whittaker noted that the existing structure is comprised of concrete blocks, and therefore large boulders would be more of a natural habitat. He requested a condition of documentation from the neighbor of the licensing agreement, erosion control and monitoring, along with spill kits, protections, etc.

Mr. Gradwohl noted that the elevation of the proposed wall would not be higher than that of the existing wall. Mr. Geisel agreed that it would not be. Mr. Gulla requested a benchmark be included in the proposed plan.

Mr. Feener requested that updated requirements for the pool be addressed so a high- pressure spill does not happen again. It should include maintenance and cleaning requirements.

Mr. Geisel stated the plan proposes that the pool will be rebuilt inside the existing pool. The existing piping will be replaced.

Public Comment: None

Conditions:

1. Applicant to file documentation of licensing agreement from neighboring property.
2. Applicant to include controls for adjacent lot protection for construction equipment, including spill kits, erosion control, etc.
3. Applicant to outline on map the elevation of existing wall and proposed wall
4. Applicant to write and include an operations management plan for the pool along with a detailed pool construction plan addressing future spill prevention.
5. Commission to receive bi-weekly reports, with photos, during retaining wall construction only.

Motion to continue the project at **59 Riverview Road MA DEP # 28-....** to April 15, 2015 to allow follow up to the aforementioned conditions made by Mr. Gradwohl, seconded by Ms. Jackson, approved unanimously.

- K) **New Amended Order of Conditions: 52 Whittemore Street – MassDEP #28-1929: 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. (To Be Re-advertised for April 15, 2015)

Motion to continue the project at **52 Whittemore Street – Mass DEP #28 - 1929** to April 15, 2015 made by Mr. Gradwohl, seconded by Ms. Jackson, approved unanimously.

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

- 100 Eastern Ave. - Postponement of Issuance Pending Applicant Review
- 99 A Essex Ave. - Re-sign signature page for RDA.
- 3 Welch Lane - Signature for Extension Permit

V. AGENT'S REPORT ON VIOLATIONS: Updates/Investigations – None.

VIII. CERTIFICATES OF COMPLIANCE

26 Thurston Point Road #28-2086

Motion to approve the Certificate of Compliance at **26 Thurston Point Rd** made by Ms. Jackson, seconded by Mr. Sherman, approved unanimously.

ANNOUNCEMENTS:

Mr. Whittaker has drafted a letter regarding a snow removal plan for next year addressed to local businesses. He will distribute said letter to members of the Commission for review.

There being no further business the Chair adjourned the meeting at 9:09 PM