

# CITY OF GLOUCESTER

## CONSERVATION COMMISSION

### MINUTES -

WEDNESDAY April 15, 2015 - 7:00 PM  
City Hall, 2<sup>nd</sup> Floor, Kyrouz Auditorium  
Robert Gulla - Chair

**Members Present:** Robert Gulla - Chair, Linda Charpentier, John Feener, Robert Sherman

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

Chairman Gulla opened the meeting at 7:04 PM

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

- Mr. Whittaker informed the Commission of Michelle Cain's interest in joining the Conservation Commission.
- Mr. Whittaker requested, and received, consent to submit his Snow Disposal Memo to the City for approval.

**II. PUBLIC COMMENT: None**

**III. MINUTES REVIEW:**

**Motion** to approve the Meeting Minutes from **March 18, 2015** made by Mr. Sherman, seconded by Mr. Feener, approved unanimously. Ms. Charpentier abstained.

Consideration of the draft minutes from the meeting of **April 1, 2015** was deferred until the next meeting.

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

- A) 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 at the request of the Applicant** to May 6, 2015 made by Mr. Feener, seconded by Mr. Sherman, approved unanimously.

- B) **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).

**Motion** to continue the project at **15 Mount Locust Place – MassDEP # 28-2334** to May 6, 2015 at the request of the Applicant made by Mr. Feener, seconded by Mr. Sherman, approved unanimously.

- C) **Continued NOI: 59 Riverview Road MassDEP #28-2386:** 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).

**Motion** to continue the project at **59 Riverview Road MassDEP #28-2386** to May 6, 2015 at the request of the Applicant made by Ms. Charpentier, seconded by Mr. Sherman, approved unanimously.

- D) **Continued 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.

Mr. Whittaker requested a comprehensive review of the Application for the Commission's, and in particular Ms. Charpentier's, benefit.

**Presenter:** David Biancavilla, BSC Group – 15 Elkins Street, Boston, MA

Mr. Biancavilla reviewed that he had last met with the Commission on October 22, 2014 to approve the amended Order of Conditions. The Application was then continued until the applicant completed the Planning Board process, which has subsequently been completed.

Mr. Biancavilla reviewed that the three plus acre site is located on the Annisquam River at the ends of Riverside Avenue and Whittemore Street. The site is currently undeveloped. The Applicant received an Order of Conditions for a condo development in 2008.

Mr. Biancavilla reviewed the previously approved development that included 16 townhouse units, an access drive with driveways, boardwalk along the shoreline, shoreline stabilization, a storm water pond, and storm water management drainage and detention basins.

Mr. Biancavilla stated that the updated proposed project includes a small cul de sac with five individual lots housing duplexes, totaling 10 individual units. The subdivision plan meets city requirements, has required no waivers and has been granted approval. Details such as driveways, the boardwalk, a storm water pond, and storm water management infrastructure will stay the same in the updated plan. Shoreline stabilization was also included in the approved Order of Conditions,

including vegetative mitigation and a riprap revetment to control erosion and will stay the same for the amended Order of Conditions. Changes include shortening the boardwalk and removing the dock and pier.

Mr. Biancavilla reviewed the summary of impacts and stated that the proposed impervious area has decreased from 56,000 square feet to 54,000 square feet. There has been no change to the riverfront, land under the ocean, the coastal beach, or land subject to title action. In the amended Order of Conditions, the coastal bank has changed slightly, and the land subject to coastal storm flowage has changed significantly as the hundred year flood elevation has changed from 9 ft to 13 ft. since the plan's inception.

Mr. Biancavilla reviewed the previous plan for Whittemore Street relocation, which put the physical road back into the legal right of way. He stated that in doing so, the abutting property owners would lose a lot of their side yards, in one case causing a potentially dangerous situation where there would no longer be appropriate distance between a garage and the street. The applicant has worked with the city and the homeowners to reach a compromise.. The abutters have agreed to an easement that maintains a 20-foot space between the road and his garage. The proposed plan also includes re-design of Riverside Avenue to include a three-way stop intersection intended to slow traffic and discourage commercial traffic.

Mr. Gulla requested clarification of proposed storm water management system, as there were previous complaints of road flooding. Mr. Biancavilla stated that there is an existing catch basin and that as part of the proposed plan there will be a drywell structure to allow any water collecting in the road to first infiltrate into the ground, and second, overflow into the city system. The storm water management system for the street and the subdivision will be separate.

Mr. Biancavilla noted that there was an extensive landscaping plan filed by the Applicant.

Mr. Feener stated that in terms of the rain garden water retention area he requests the applicant implement the latest technology, as the new systems are designed to be maintenance free. He also noted he would like the applicant to address reducing the water velocity at the storm water wash out area to control phragmites with the intention of returning the area to its native landscape. Mr. Feener requested the Applicant measure and note the line of phragmites so he can monitor phragmites extent over time.

Ms. Charpentier requested information on how the storm water was being treated. Mr. Biancavilla replied that the water is treated per DEP standards for total suspended solids. The proposed plan also includes a stormceptor to remove any oil or floatables in storm water.

Mr. Whittaker stated his concern about the use of chemicals and pesticides on lawn areas and would like controls built in. He also stated that there should be scheduled maintenance for the bio-retention basins and requested it be included as a Condition. Mr. Biancavilla responded that there will be a homeowners association to dictate regulations as well as an operational maintenance plan. Mr. Biancavilla will forward a summary of Conditions to Mr. Whittaker.

Mr. Feener noted that with a change to the intersection would come a change to how the snow is plowed. He recommended contacting the city and perhaps posting a sign to deter snow or trucks from the wetland. Mr. Biancavilla stated that the applicant worked with the DPW, and the proposed plan has additional spots for snow storage.

Mr. Sherman questioned, because the property is a re-development, how the development is an environmental improvement.

**Presenter:** Jay McNiff - McNiff Company LLC, 11 Blackburn Center, Gloucester, MA

Mr. McNiff stated that the project was part of a Brownfields Program clean-up project which he started part and parcel with the subdivision project. Because of timing and economy the time gap from clean up to development is larger than normal.

Mr. Whittaker noted that the Applicant did not have a legal obligation to clean up the property.

Mr. Gulla stated that the approved initial project was an environmental betterment, and the amended project is even more so due to less proposed impervious area.

**Public Comment:** None

**Conditions:**

1. Landscaping Maintenance and Infiltration Structure Maintenance Program
2. Control and limitations associated with pesticides, insecticides, etc.

**Motion** to approve the amended order of conditions for the project at **52 Whittemore Street – MassDEP #28- 1929** with the aforementioned conditions made by Ms. Charpentier, seconded by Mr. Feener, approved unanimously. Mr. Sherman abstained.

## **V. Block II\* NEW Projects**

- E) **New NOI: 154 Wheeler Street – MassDEP #28-23...**: Submitted by Gateway Consultants for the installation of a pier and seasonal float in the Annisquam River. (Map 100 Lot 15)

**Motion** to continue the project at **154 Wheeler Street – MassDEP #28-23...** to May 6, 2015 at the request of the Applicant made by Mr. Feener, seconded by Mr. Sherman, approved unanimously.

- F) **New RDA: 6A Cambridge Avenue #RDA1436**: Submitted by Martin Crosby & Laurie Parrot for construction of addition to home, new gravel driveway and parking area along with landscaping. (Map 119 Lot 65)

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

Mr. Judd presented the proposed plan, which is an expansion of an existing single-family dwelling all of which is located outside of the 100-foot buffer zone to the coastal bank of the Annisquam River. The proposed project is in the outer riparian zone. Mr. Judd explained the applicant intends to re-plant a lawn area as mitigation for the 1100 square feet of proposed added impervious area. A planting plan for native species has been filed. A gravel access driveway is also proposed.

Mr. Gulla questioned why the proposed project has been presented as an RDA. Mr. Judd stated there is little impact to resource area. Mr. Gulla noted it seems like an innocuous project, but the first 200 feet is technically riverfront resource area.

Mr. Whittaker stated he agrees that the first 200 feet is resource area. He believes there is significant expansion, would prefer to see a NOI, although the argument could be made that the impact is minor. Mr. Whittaker would consent to an RDA under the existing conditions.

Mr. Feener noted that the alternatives analysis states that this is a redevelopment area quoting similar projects in the same zone. Mr. Feener is hesitant to accept that explanation as it looks as though the Applicant is planting a side yard garden and expanding into the resource area, which would not meet the certificate requirements of a redevelopment area. He would like a site visit and more explanation of the planting plan to be comfortable with the project.

Mr. Judd stated the proposed plan includes a riverfront analysis. He recommended a site visit if there is any concern with planting location.

Mr. Gulla requested that all NOI policies be applied in this case. Mr. Whittaker agreed to send an e-mail to the Commission to schedule a site visit. Mr. Feener requested the driveway be marked and Mr. Gulla requested all trees proposed for removal be flagged.

**Public Comment:** None

**Motion** to continue the project at **6A Cambridge Avenue #RDA1436** to May 6, 2015 for a site visit and additional information made by Ms. Charpentier, seconded by Mr. Feener, approved unanimously.

- G) **New RDA: 259 Atlantic Road #RDA1437:** Submitted by Peter & Kim MacLeod for installation of a sewer grinder pump to replace failed system. Erosion control proposed. (Map 134 Lot 35).

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

Mr. Judd stated that there is an existing house on the property with a failed septic system. The Applicant is proposing sewer grinder pump connected to a low-pressure sewer line. The property is lawn area and landscaping, with no trees.

Mr. Gulla noted that standards apply such that the excavation should be filled at the close of each day.. He also noted that there doesn't seem to be any vegetation except lawn in area of concern.

Mr. Feener requested monitoring of stockpiling of pipes and sand, etc. to control impact on groundwater.

Mr. Whittaker noted there have been some issues in the area with flooding in the adjacent wetland and wanted to make sure the proposed placement of the pump is outside of that area. Mr. Judd confirmed that this was the case and that the pump assembly was completely submersible.

**Public Comment:** None

**Motion** for a negative determination for the project at **259 Atlantic Road #RDA1437** made by Mr. Sherman, seconded by Ms. Charpentier, approved unanimously.

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

- **159 East Main – MA DEP # 28-2226 - Extension**

**Presenter:** Scott Skuncik - CLE Engineering, 15 Creek Road, Marion, MA - on behalf of Americold

Mr. Skuncik stated the project is related to pile repairs. The work started after the original approved Order of Conditions in 2012 but was delayed

due to economic reasons. The Applicant requested an extension of one year.

**Motion** to extend the permit for **159 East Main – MA DEP # 28-2226** for one year made by Mr. Sherman, seconded by Ms. Charpentier, approved unanimously.

- **1 Rowe Square – MA DEP # 28-2228 – Extension**

**Presenter:** Scott Skuncik - CLE Engineering, 15 Creek Road, Marion, MA  
- on behalf of Americold

Mr. Skuncik stated that this Order of Conditions was approved in 2012. The project has not begun due to an approved project by Gorton's Seafood taking place at the same location taking precedence. The Applicant requested an extension of three years.

**Motion** to extend the permit for **1 Rowe Square – MA DEP # 28-2228** for one year made by Ms. Charpentier, seconded by Mr. Sherman, approved unanimously.

- **69 Rogers St. - Minor Modification/Letter Permit**

**Presenter:** Scott Skuncik - CLE Engineering, 15 Creek Road, Marion, MA  
- on behalf of Americold

Mr. Skuncik stated that the Applicant has inspected 1215 piles supporting the structure. The Applicant is proposing, under the Letter Permit, to repair 2 piles by stripping the concrete and replacing it with a steel jacket.

**Motion** to Approve the Minor Modification/Letter Permit for **69 Rogers Street** made by Ms. Charpentier, seconded by Mr. Sherman, approved unanimously.

- **161 Thatcher Road – Minor Modification**

Mr. Whittaker reviewed that the approved plan, which was a single-family structure, was re-designed as a duplex. The Applicant added many modifications. The new proposed plan has been filed for the Commission's review. Mr. Whittaker stated he no longer believes the updates comply with Minor Modification. He will advise the Applicant.

- **RDA # 1020 – MBTA & TEC Assoc. Annual Vegetation Control**

Mr. Whittaker reviewed that there is yearly vegetation control along the train tracks.

Mr. Gulla noted that the large watershed on Route 127, and tributaries stay protected.

Mr. Feener stated that the laws in conjunction with this issue have been changed and requested a letter that the laws pertaining the right of way clearance will be upheld.

Mr. Whittaker will vet the new map against the old map, as well as spot-check the sites.

## V. AGENT'S REPORT ON VIOLATIONS:

### **508/510 Washington Street – Review of Pier and Footings**

Mr. Whittaker stated that he was called to the site. He presented photographs to the commission that showed four new poured concrete structures with re-bar intended for a pier. Mr. Whittaker issued the owner a cease and desist and the owner did stop construction. Mr. Whittaker met with the Harbor Master and the Shellfish Constable at the site. He noted that this is an unquestionable violation. Mr. Whittaker will follow-up with the appropriate departments to deal with the issue.

## VIII. CERTIFICATES OF COMPLIANCE

### **149 Atlantic Rd (Two Certificates: DEP 1910, 2214)**

**Motion** to Approve the Certificates of Compliance for **149 Atlantic Rd DEP 1910 and DEP 2214** made by Mr. Sherman, seconded by Ms. Charpentier, approved unanimously.

### **Certificate of Compliance & Re-issue OOC Signature Page: 52 (formerly 41) Whittemore St. DEP # 28-2203, soil sampling completed.**

**Motion** to approve the Certificate of Compliance and the Re-issue of the OOC Signature Page for **52 (formerly 41) Whittemore St. DEP #28-2203** made by Mr. Feener, seconded by Ms. Charpentier, approved unanimously. Mr. Sherman abstained.

### ● **10 Waterside Lane DEP #28-705**

**Motion** to approve the Certificate of Compliance for **10 Waterside Lane DEP #28-705** made by Mr. Feener, seconded by Ms. Charpentier, approved unanimously.

There being no further business the Chair adjourned the meeting at 8:43 PM