

# CITY OF GLOUCESTER

## CONSERVATION COMMISSION

### MINUTES

WEDNESDAY May 6, 2015 - 7:00 PM  
City Hall, 2<sup>nd</sup> Floor, Kyrouz Auditorium  
Robert Gulla - Chair

**Members Present:** Robert Gulla - Chair, Ann Jo Jackson – Co-Chair, Linda Charpentier, John Feener

**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.**

II. **PUBLIC COMMENT: None**

III. **MINUTES REVIEW:**

**Motion** to approve the Meeting Minutes from **April 1, 2015** made by Mr. Feener, seconded by Ms. Jackson, approved unanimously.

Consideration of the draft minutes from the meeting of **April 15, 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 (Map 237, Lot 109 and a portion of 4).

**Motion** to continue the project at **644 Essex Avenue – MassDEP #28-2367** to May 20, 2015 made by Ms. Charpentier, seconded by Ms. Jackson, 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).

**Presenter:** Peter Ogren, Engineer - Hayes Engineering, Inc., 603 Salem Street, Lynnfield, MA

Mr. Ogren stated the project was initially filed in early 2014. The Applicant requested a continuance to November 2014 when it was questioned whether the project could be permitted. Mr. Ogren cited a report by Dr. Peter Rosen, which he quoted in the Application. The commission questioned whether the report would still be in effect. Mr. Ogren submitted an updated report by Dr. Rosen with the Agent.

**Presenter:** Dr. Peter Rosen, 30 Mann Street, Hingham MA

Dr. Rosen stated he visited the site in 2006 as well as recently. He addressed the question of whether the bank was providing sediment and therefore, the project should not be considered armoring a coastal bank.

Mr. Gulla noted that the Commission was concerned with armoring the coastal bank with the proposed installation of two retaining seawalls, therefore stopping soil migration.

Dr. Rosen stated he observed two faults in the rocky coastal bank. The faults were filled with loess, which is very unusual. He presented the Commission with a sample. Dr. Rosen noted that loess is primarily wind blown silt. Dr. Rosen concluded that due to the size of the faults and the nature of loess to go into suspension, the amount of sediment is very insignificant, will therefore likely have no impact on the nearby beach.

Mr. Feener asked Dr. Rosen if, in his opinion, does the seawall need to be as large as proposed to stop erosion. Mr. Ogren opined yes, but noted the openings variable width (i.e. a "V" shape) dictates the length of wall that will need to be constructed.

**Public Comment:** None

Mr. Gulla stated that Dr. Rosen answered the question regarding sediment migration and that it is insignificant.

Mr. Feener asked Mr. Ogren what material is proposed to fill the void where the loess has eroded, and to prevent further erosion. He requested the Applicant follow Dr. Rosen's specifications of gravel/crushed stone overlain by crushed sand.

Mr. Ogren agreed to gravel topped with sand as filler.

**Conditions:**

1. Substrate below eroded area to be filled according to Dr. Rosen's specifications.

**Motion** to approve the project at **15 Mount Locust Place – MassDEP # 28-2334** with the aforementioned condition made by Ms. Jackson, seconded by Mr. Feener, approved unanimously. Ms. Charpentier abstained.

- 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 20, 2015 made by Mr. Feener, seconded by Ms. Jackson, approved unanimously.

- D) **Continued NOI: 154 Wheeler Street MassDEP #28-2387:** Submitted by Gateway Consultants for the installation of a pier and seasonal float in the Annisquam River (Map 100 Lot 14).

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

Mr. Judd presented a proposed plan for pier installation detailed on a previously filed map. The proposed pier would be a permanent 3 ft wide, 70 ft long aluminum pier extending from an existing concrete seawall. He noted that the proposed pier, float and gangway extend within the applicants property lines, above mean water.

An initial site walk occurred with Mr. Dave Sargent, Shellfish Constable; Mr. Ken Whittaker, Conservation Agent; Mr. Jim Caulkett, Harbormaster; Ms. Kate Ostriki, Massachusetts Department of Marine Fisheries. Comments and letters from the aforementioned persons were filed with the Conservation Department.

Mr. Gulla requested Mr. Judd outline the comments made by parties present at the initial site visit.

Mr. Judd outlined The Harbormaster's, comments. Mr. Caulkett stated (1.) the project is adjacent to, but outside the Federal Channel of the Annisquam River and would not interfere with safe navigation. (2.) If the project were to be completed the mud mooring permitted to the Applicant would no longer be authorized and would have to be removed at the owner's expense. (3.) He has concerns with the use of the right of way, interference with safe boating traffic, and damage that may occur within the salt marsh adjacent to the right of way due to traffic being redirected by construction of the pier. Mr. Caulkett stated he fully supports Mr. Dave Sargent, Shellfish Constable's comments.

Mr. Judd outlined The Shellfish Constable's comments. Mr. Sargent stated (1.) The site is located within the Annisquam River in a productive recreational and commercial shellfishing area that meets conditionally approved status of less than one inch rainfall from November to May 31<sup>st</sup>, and less than ½ inch rainfall from June 1<sup>st</sup> to October 31<sup>st</sup>. This area is also used by the neighborhood for boat launching, and seasonally as a bathing beach. (2.) The Applicant currently has a permitted gangway, floating dock, and mud mooring that services his property. (3.) Because of the greater tidal action in the proposed new location, the floating dock and associated boats would impact the sandier substrate resulting in re-suspension of sediment making the surrounding area less productive for shellfish recruitment. (4.) The pier plan proposes to install two permanent piers within the intertidal zone that would result in a permanent loss of shellfish habitat. (5.) The plan proposes using an existing ledge boulder as a footing for the outermost piling. However, this ledge boulder is severely fractured, and in his experience, would not support a weight-bearing structure. In that instance, the footprint of the outermost piling would need to be enlarged or relocated for safety purposes resulting in an even greater loss of soft-shell clam habitat.

Mr. Judd noted, in response to point number 4, one of the piers would be on top of an out-cropping. During a previous site-visit, there was a misinterpretation of the use of an existing rock for a footing.

Mr. Judd noted, in response to point number 5, a letter was filed with the Agent from a structural engineer addressing the suitability of using said rock for footing. Mr. Judd outlined the proposed plan using pictures of the rock in question filed with the Agent.

Mr. Judd paraphrased Ms. Kate Ostrikis, DMF's comments regarding areas of concern. Ms. Ostrikis stated the proposed pier is located in an area classified as conditionally approved and consisting of suitable shellfish resources including soft-shell clams. In 2007, while reviewing a NOI application for the same property, DMF recommended to avoid or minimize impacts to the shellfish habitat and to look into feasible alternatives. It was then decided that the gangway and float would remain closer to the seawall and one of the two proposed floats would be removed to avoid possible impacts to the productive shell fishing flat. Ms. Ostrikis comments regarding the April 10<sup>th</sup>, 2015 site visit noted that shellfish fisherman were actively harvesting on the site. A new proposed 70-foot pier and use of existing gangway and float in a different configuration will extend further into the intertidal and shellfish area, but still not afford access to water at low tide. It will alter water circulation patterns and the resulting deposition of sediment. The new float location will be situated on a more productive habitat as opposed to the present location, which is a more cobbled substrate. Ms. Ostrikis noted that the proposed plan might impede Gloucester resident's access to the water, as it would cross an access path that has been historically used by locals for

boat launching, landing and access by foot to the Annisquam River. Any boats that are docked at the proposed float would rest on productive shellfish habitat at low tide causing scour and more impacts. In summary, the proposed pier extension would result in direct impact to productive shellfishing beds through installation of support piles as well as float and boat grounding at low tide. The proposed extension would impede public access without an apparent improvement to private access relative to the existing design. Ms. Ostrikis stated that DMF recommends that the Applicant continue to use the existing gangway and pier in the current location and the existing gangway and float be stored in a suitable upland location in the off-season.

Mr. Judd requested bringing forth Ms. Deborah Eliason to address the legal access of the site. Mr. Gulla agreed, but noted, in his opinion, the three aforementioned letters would need to be overturned in order for the Commission to go forward.

Members of the Board requested presentations focused on the environmental impacts of the proposed project.

**Presenter:** Chip Nylen – Attorney, Lynch DeSimone Nylen, LLP, 10 Post Office Square, Boston, MA

Mr. Nylen stated that after reviewing the aforementioned letters he counseled the Applicant to retain the Woods Hole Group (Falmouth, MA) who are involved in permitting and design of piers and deal with shellfish. The Woods Hole Group will conduct an inventory, talk with the Shellfish Constable and review the performance standards and regulations. The intention is to address the shellfish specific issues and report to the Commission.

**Presenter:** Deborah Eliason – Attorney, Eliason Law Office, LLC, 63 Middle Street, Gloucester, MA

Ms. Eliason addressed the issue of beach rights, citing her research on tidal rites for the site dating back to the 1880s. It was determined the Applicant owns the intertidal zone between the upland and low water mark. She was unable to find, going back to the 1880s, anyone who had a deeded right to use that area for any purpose. In reviewing the varying neighborhood properties, it was found that some properties do have a deeded right to use the landing that is not on the Applicants property. There are some statutory rights dating back to the 1600s stating the right of the public to use the intertidal zone for fishing, fowling, and navigation. This does not include beach purposes. Ms. Eliason noted in terms of a person having access rights due to historical use, it may only be determined on a case-by-case basis in court.

Mr. Gulla opened Public Comment with the request that speakers address environmental concerns only. Mr. Feener noted the Board did read all Public Comment letters filed with the Agent.

**Public Comment:**

Steven Dexter, 162 Wheeler Street, Gloucester, MA

Mr. Dexter stated that he grew up on Wheeler Street. He agrees with the presented letters and believes the project is mean spirited. He is completely against the project.

Toni Borge, 8 Wheelers Point Road, Gloucester, MA

Ms. Borge stated that her family has lived on Wheelers Point since 1960. She has a background in Marine Fisheries/Biology and has severe concerns with the environmental and clamming impact of the proposed project. Ms. Borge supports the presented letters. She noted the past and continued use of the beach by the neighborhood citing community feeling and past precedent. Ms. Borge does not support the proposed project.

Christopher Ramsden, 9 Orchard Way, Gloucester, MA

Mr. Ramsden stated he uses the area primarily for fishing and water access. He believes the proposed project will restrict waterway access through the existing right of way and encourage greater foot traffic through the marsh. In addition, at various points in the tide cycle it will impede the ability to fish, etc.

Peter Jones, 145 Wheelers Point, Gloucester, MA

Mr. Jones had filed a letter with the Agent, which he read to the Commission. He has lived on Wheelers Point for 20 years and is a direct abutter to the Applicant. Mr. Jones is concerned with the impact of the proposed project. He noted the beach, which is bounded by two tidal rivers and marsh grass, is a fragile eco-system. The impact of a pier on said eco-system is unknown. Mr. Jones has a background in ethnology, zoology and marine biology and also spends the summers as a marine guide.

Mr. Jones stated that many neighbors have deeded rights to the beach going back generations, with an understanding that grantees have full access to the beach and the water. This would be taken away with the proposed project.

Mr. Jones noted that the proposed pier would restrict access to boaters who have moorings in Mill River coming into and out of the River at high tide. He cited his understanding of the legal right of individuals for fishing, fowling, and passing by watercraft. The proposed project would take away the access for doing so.

Mr. Jones quoted the Mr. Bill DeRosa, 92 years old of Wheelers Point, "the beach has always been the jewel of the point for both summer and year round residents. Families here now and their parents and grandparents before them have enjoyed the beach to dig for clams, fish,

kayak, launch their skiffs, paddle, sunbathe, swim, etc. Without unrestricted access to the water, all these activities will be permanently denied to future generations.”

Bob Stewart - Ward 4 Councilor, 20 Leonard Street, Gloucester, MA  
Mr. Stewart stated that he believes the difference between an impact and a significant impact needs to be examined within the context of the Gloucester fishing and shellfish industry. He cited the precarious fishing industry with declining fish stocks, access to fewer species of fish. Mr. Stewart noted that shellfish would become more important to Gloucester. He noted that the rights of fishing and fowling are clearly being interfered with.

### **Public Comment suspended**

Mr. Judd requested a 30-day continuance to allow for the Woods Hole Group review and analysis.

Mr. Gulla requested visual clarification of the site in regard to the beach, dock and landing. He stated his concern over the intensity of use in the area. Mr. Gulla then requested, from the Applicant, a document clearly outlining the beach, the landing, the Applicant's property, and the right of way. Mr. Judd pointed out landmarks on the filed map.

Mr. Feener noted the Commissions intent to make sure any proposed project has as little impact as possible. He requested, from the Applicant, a three-point analysis on why the proposed project is necessary if the existing structures are functional, as well as a three-point alternatives analysis.

Mr. Gulla requested the next hearing focus on the Commission's jurisdictional areas of concern.

Mr. Stewart requested the next hearing be scheduled to June 17<sup>th</sup>, due to his availability and duties as Ward 4 Councilor. The Applicant agreed.

**Motion** to continue the project at **154 Wheeler Street MassDEP #28-2387** to June 17, 2015 made by Ms. Jackson, seconded by Mr. Feener, approved unanimously.

- E) **Continued RDA: 6A Cambridge Avenue #RDA1436:** Submitted by Crosby Martin & 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 stated the proposed 1100 square foot addition is in the outer riparian zone. A site visit occurred since the initial hearing, and the proposed plan has been revised to accommodate comments from the Commission, primarily regarding trees. The Applicant has submitted a revised planting plan with proposed 3700 square feet of mitigation.

Mr. Feener noted that after the site visit there was a question about the final entrance point. Mr. Judd stated that the entrance point would come toward the house on an angle 30 feet away from an existing oak tree. He noted there would be four Linden trees removed.

Mr. Gulla requested remarks from the Commission regarding the site visit. Mr. Feener noted the initial location of the driveway was addressed as it was in a zone of impact. The Applicant has since shifted the driveway location to be less impactful. Mr. Feener stated he was very happy with the filed planting plan. He mentioned two areas of concern; special attention should be paid to make sure only native plants are being planted, and a shade tree should be planted on the side of the driveway in order to not create a wind corridor.

Ms. Jackson asked about the slope on the location of the initial proposed driveway, and any issue with gravel migration. Mr. Feener replied that the revised proposed driveway is on less of a slope and he does not foresee any gravel migration issues.

**Public Comment:** None

**Condition:**

1. Applicant to plant one windbreak tree

**Motion** for a negative determination for the project at **6A Cambridge Avenue #RDA1436** with the aforementioned condition made by Ms. Jackson, seconded by Mr. Feener, approved unanimously.

**Discussion:** Mr. Feener noted that the initial plan looked more impactful, with 4 trees being removed. As it stands now it is much less impactful.

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

- F) **New RDA: 1 & 2 Overlook Avenue #RDA1438:** Submitted by Wendy, Wayne & Sharon Martin for install of septic tight tanks on properties (Map 236 Lot 70).

Mr. Whittaker explained the project of two tight tanks being installed on adjacent properties that currently have cesspools. Both proposed projects

are located within the buffer zone. The tight tanks are located 33 feet, and 50 feet away from wells located on each property.

**Presenter:** Wendy Martin, 1 Overlook Avenue, Gloucester, MA

Ms. Martin, when asked by the Commission if there were any trees to be removed prior to installation, replied there are not.

Mr. Whittaker noted there is minimal vegetation on the proposed installation sites.

**Presenter:** Sharon Martin, 5 Overlook Avenue, Gloucester, MA

Ms. Martin stated she was before the Commission in regard to 2 Overlook Avenue. She clarified that Overlook Avenue is supplied city water in the summer. Otherwise, residents rely on well water.

Mr. Whittaker replied he intends correspond with the Board of Health regarding this information, as he was misinformed regarding the source of on-site water.

**Public Comment:**

Bill Fonvielle - Ward 5 Councilor, 27 Old Salem Road, Gloucester, MA  
Mr. Fonvielle stated the Applicants have had a long and arduous struggle for proper sanitation, and that the proposed project is better for the environment than what exists. He supported the project and urged the Commission to do so as well.

**Public Comment closed**

**Conditions:**

1. Board of Health approval
2. Any installed pipeline that is within the drip line of a tree is to be noted.
3. A pre – construction site visit will be made by Mr. Whittaker

**Motion** for a negative determination for the project at **1 & 2 Overlook Avenue #RDA1438** with the aforementioned conditions made by Ms. Jackson, seconded by Ms. Charpentier, approved unanimously.

- G) **New RDA: 47 Bray Street #RDA1439:** Submitted by Daniel Grob for septic system improvements (Map 240 Lot 44 & 45).

**Presenter:** Bill Perkins - Design Engineer, SANECO, Inc., 65 Eastern Avenue, Essex, MA

Mr. Perkins stated that a transfer of ownership on the property necessitated replacement of the existing cesspool. The parcel of land is 3

separate lots – 43, 44, and 45. The Applicant conducted soil testing on Lot 44, where the house, garage, proposed leaching field, and septic tank is located. There is a difference in grade from the site of the proposed septic tank to the leaching field resulting in use of a pump. Changing the proposed location would require a change in the house's plumbing. Construction of the septic tank as well as a corner of the leaching field will encroach on the 100-foot buffer zone to the wetland.

Mr. Gulla noted that because the project is on the outer edge the whole project is barely jurisdictional. Mr. Gulla asked that any excavated soil would be dumped away from the resource area.

Mr. Feener stated his concern over continued maintenance of the leaching field; questioned whether there would always be a right of way for maintenance. He requested protection for the resource during construction, that any areas of elevation would be conditioned to protect against soil erosion.

**Public Comment:** None

**Conditions:**

1. Mr. Whittaker will conduct a pre-construction site visit.
2. Any excavated soil will be dumped away from resource area.
3. Any rutting will be loosened and filled to not create channelization

**Motion** for a negative determination for the project at **47 Bray Street #RDA1439** with the aforementioned conditions made by Ms. Jackson, seconded by Mr. Feener, approved unanimously.

H) **New NOI: 9 Old Salem Road MassDEP#28-2388:** Submitted by J. William Codinha for install of septic system (Map 215 Lot 20).

**Presenter:** Dan Ottenheimer, Mill River Consulting, 6 Sargent Street, Gloucester, MA

Mr. Ottenheimer presented the proposed plan. The Applicant's 5-acre property, currently three lots, would be reduced to two 2.5-acre lots. Mr. Ottenheimer reviewed the work done last year with Ms. Mary Rimmer, of Rimmer Environmental Consulting and the Commission to have an Order of Resource Area Determination confirming two areas of wetlands and an intermittent stream located on the property.

Mr. Ottenheimer stated that the construction of a proposed dwelling is outside the Commission's jurisdiction. The proposed septic system, leaching field is in jurisdiction. The Applicant has conducted soil testing, and the proposed placement has the only suitable soil for a leaching field. The location fully complies with Title 5 state regulations. The Application

was granted a variance by the Gloucester Board of Health to allow construction of a septic system 50 feet from a wetland as opposed to 100 feet. Mr. Ottenheimer noted the proposed septic system includes sophisticated filtration, which results in relatively clean water being put into leaching field.

Mr. Ottenheimer noted that due to aforementioned reasons the plan should not be subject to considerable scrutiny by the Commission. Mr. Ottenheimer outlined the proposed plan due to the neighborhood's water issues. He stated that Old Salem Road freezes up frequently in winter; there is exposed ledge throughout the road, as well as no extensive drainage system. Mr. Ottenheimer noted the plan was designed to be as sensitive as possible to concerns from neighbor, in order to not change water flow patterns. Mr. Ottenheimer noted the proposed erosion control barrier during the construction process.

Mr. Feener questioned the potential impact of construction vehicles during the construction of the concrete retaining wall. He requested the area where concrete trucks may disrupt the soil be delineated in order to address the potential compaction of soil. Mr. Feener also requested a planting bed of a minimum of 4 feet, be installed along the bottom of the concrete retaining wall.

Mr. Gulla requested the area between the siltation fence and leaching field be tightened up to minimize impacts.

**Public Comment:**

Barbara Braver, 1 Old Salem Road, Gloucester, MA  
Ms. Braver has lived on Old Salem Road for 43 years. She noted her concern with ground water flow and how it would be impacted by construction. Ms. Braver questioned the process of building permitting, construction, and what would take place if there were issues after the fact.

**Public Comment Closed**

Mr. Feener noted a portion of the proposed concrete driveway is within the 100-foot buffer zone. Mr. Ottenheimer noted that it is 380 square feet and agreed to include 680 square feet of mitigation in the form of a planting bed along the concrete retaining wall.

**Condition:**

1. 340 square feet of impervious driveway will be applied to the vegetative buffer along the concrete retaining wall equaling 680 square feet of mitigation.

**Motion** to approve the project at **9 Old Salem Road MassDEP#28-2388** with the aforementioned condition made by Ms. Jackson, seconded by Ms. Charpentier, approved unanimously.

- I) **New NOI: 82 Hesperus Avenue MassDEP#28-....:** Submitted by Joe Amicone to install an in ground swimming pool, deck and associated landscaping (Map 192 Lot 14)

**Presenter:** Bob Griffin, Griffin Engineering Group, LLC, 100 Cummings Ctr. Ste 222G, Beverly, MA

Mr. Griffin reviewed a 2010 approved Order of Conditions for the property involving demolition of an existing dwelling and construction of a new single-family residence. The proposed 2010 plan included plans for pool construction. The Applicant has revised the plan to include an impervious pool deck, as opposed to the original pervious structure, that will be 550 square feet larger. The proposed work is 71 feet from the coastal bank. Mr. Griffin stated the plan proposes to pipe storm run-off to the side, through a swale, and into a rain garden to address drainage. A planting plan has been filed with the Agent that shows well over 2:1 mitigation. It includes a hedge to be planted along the coastal bank, as well as stone removal and replanting of lawn.

Mr. Feener proposed the idea of a filtration device closer to the patio to treat run-off for containments before it reaches the rain garden.

Mr. Gulla requested a site-visit from the Applicant. Mr. Whittaker will e-mail the Commission and the Applicant with potential dates.

**Public Comment:** None

**Motion** to continue the project at **82 Hesperus Avenue MassDEP#28-....** to June 3, 2015 made by Ms. Jackson, seconded by Ms. Charpentier, approved unanimously.

**Discussion:** Applicant to stake landmarks on property.

- J) **New NOI: 19 Salt Island Road MassDEP#28- 2390:** Submitted by Robert McNamara to install a seasonal metal ramp (3'x30') over rocky beach for access (Map 176 Lot 51).

Ms. Jackson recused herself from this item.

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

Mr. Manuel stated the Applicants path to the sandy beach includes walking over rocks that can get wet and slippery. For safety purposes they are proposing installation of a pre-fabricated metal ramp attached to bolts

on the existing concrete landing. The ramp would be removed seasonally and stored on the lawn. Mr. Manuel showed proposed placement of the ramp to the Commission on a photograph filed with the Agent. He noted there would be rocks that might need to be moved. The contractor proposed bringing a mini excavator onto the beach to move the rocks. The rocks will not be removed, but will be moved left or right.

Mr. Gulla requested a registered land survey for the property to be filed before approval.

Mr. Feener requested a maintenance plan in case of shifting rocks.

Mr. Gulla requested the applicant attempt the moving of stones by hand in order to try to avoid machinery and a maintenance plan. If the Applicant determines the need for large equipment, the Applicant will contact Mr. Whittaker.

Mr. Feener noted the Applicant should also remove the ramp if a big storm is forecasted.

**Public Comment:** None

Mr. Whittaker requested the Applicant be careful to not kill any vegetation during construction/installation of the ramp.

**Conditions:**

1. Mr. Whittaker will conduct a pre-construction site visit to review the ramp placement, and review any vegetation disturbance.
2. Applicant will take measures to complete construction by hand. If Applicant determines machinery is necessary, they will contact Mr. Whittaker for permission.

**Motion** to approve the project at **19 Salt Island Road MassDEP#28-2390** with the aforementioned conditions made by Ms. Charpentier, seconded by Mr. Feener, approved unanimously. Ms. Jackson recused herself.

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

- **44 Commercial St. – Extension of Order #28-1800**

**Motion** to extend the permit for **44 Commercial Street – MA DEP # 28-1800** for one year made by Ms. Charpentier, seconded by Ms. Jackson, approved unanimously.

- **36 Thurston Point Rd – Signature Page for RFD**

- **MBTA Vegetation Management Review**

Mr. Whittaker stated he would update the Commission at a later date when more information is available.

- **National Grid Right of Way Management**

Mr. Whittaker stated he would update the Commission at a later date when more information is available.

## **V. AGENT'S REPORT ON VIOLATIONS:**

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

Mr. Whittaker was informed there might be possible DEP enforcement on this issue. He will update the Commission at a later date when more information is available.

- **Chester Square Activities**

Mr. Whittaker noted there were complaints of vegetation removal by residents at 32 Chester Square. He noted a warning letter has been sent and he is pursuing enforcement action.

- **160 Wheeler Street**

Mr. Whittaker stated excavation and a backhoe were present on the property and residents received a warning letter.

- **Shore Road**

Mr. Whittaker stated there was clear cutting and mulching over of a patch of land across from a development built by Windover Construction. He was in touch with the building manager who stated the intention of planting a garden. Mr. Feener requested letting the patch grow back over the course of a year to observe the growth, then moving on from there.

## **VIII. CERTIFICATES OF COMPLIANCE**

- **39 Salt Island Road**

- **Whittemore Street Prior Plan (#28-493 & #28-1431)**

**Motion** to approve the Certificates of Compliance for **39 Salt Island Road** and **Whittemore Street Prior Plan (#28-492 & #28-1431)** made by Ms. Charpentier, seconded by Ms. Jackson, approved unanimously.

There being no further business the Chair adjourned the meeting at 9:45 PM