

CITY OF GLOUCESTER

CONSERVATION COMMISSION

MINUTES

WEDNESDAY May 20, 2015 - 7:00 PM
City Hall, 2nd Floor, Kyrouz Auditorium
Robert Gulla - Chair

Members Present: Robert Gulla - Chair, Ann Jo Jackson – Co-Chair, Linda Charpentier, John Feener, Barry Gradwohl, Helene Shaw-Kwasie

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 15, 2015** made by Ms. Charpentier, seconded by Ms. Jackson, approved unanimously. Ms. Shaw-Kwasie and Mr. Gradwohl abstained.

Consideration of the draft minutes from the meeting of **May 6, 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).

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

Mr. Manuel reviewed the changes made to the application pertaining to concerns heard from the Commission. He stated the proposed floor elevation for the garage has been lowered, therefore reducing the amount of grading required as well as the height of the retaining wall. A proposed well was included in the plan to eliminate proposed water service. A small diameter forced sewer pipe is now proposed to lower the amount of excavation an necessary ground cover.

Mr. Manuel discussed the addition of a proposed post and wire guardrail detailed in a filed plan. He noted the posts would be driven directly into the ground in order to reduce impacts.

Mr. Manuel noted the proposed planting plan has been updated to reflect proposed restoration to the shrub canopy as well as tree planting to replace any trees that succumb to construction impacts.

Mr. Manuel stated the Planning Board has approved the ANR plan for the lot. The DPW has sent the Applicant its requirements for connecting the sewer through the frontage of the lot.

Public Comment:

Joel Schwann, 648 Essex Avenue, Gloucester, MA

Mr. Schwann read from a letter he filed with the Agent. He stated three main areas of focus: significant impact, cumulative effects, and intensity of use as they pertain to the proposed project.

Mr. Schwann noted the impact to the areas' wildlife community and the impacts of storm water run-off due to the new construction, supported with pictures also filed with the Agent.

Public Comment Period Closed

Mr. Gulla stated his concern with the proposed driveway, noting he would not approve the project as it stands with the proposed driveway.

Mr. Feener stated the project has come leaps and bounds and through concessions made by the Applicant is the least impactful as possible.

Motion to approve the project at **644 Essex Avenue – MassDEP #28-2367** made by Mr. Feener, seconded by Ms. Kwasie, approved unanimously.

Motion to withdraw the approval for the project at **644 Essex Avenue – MassDEP #28-2367** made by Mr. Feener in order to have a detailed order of conditions in place prior to the vote.

Motion to continue the project at **644 Essex Avenue – MassDEP #28-2367** to June 3, 2015 made by Mr. Feener, seconded by Ms. Kwasie, approved unanimously.

- B) 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 (at the request of the applicant)** to June 17, 2015 made by Ms. Charpentier, seconded by Mr. Gradwohl, approved unanimously.

V. Block II* NEW Projects

- C) **New RDA: Dunfudgin Landing #RDA1440:** Submitted by the State Department of Fish and Game for the City of Gloucester for the installation of lighting poles and associated solar lighting fixtures in Riverfront Area (Map 19 Lot 1).

Presenter: Jim Caulkette, Harbormaster – 19 Harbor Loop, Gloucester, MA

Mr. Caulkett reviewed the proposed project to install lighting for the public landing. Construction would take place from the shore side. An auger would be used to dig 3-foot holes for prefabricated poles. Any soil taken out will be trucked off-site. Trenching will not take place due to the lighting being solar powered.

Mr. Feener requested a stone skirt be placed at the base of the lighting poles.

Public Comment: None

Conditions:

1. An 8-inch wide, 4-inch deep skirt of $\frac{3}{4}$ inch stone to be placed at the base of the lighting poles
2. Soil to be trucked off-site

Motion for a negative determination for the project at **Dunfudgin Landing #RDA1440** with aforementioned conditions, made by Mr. Gradwohl, seconded by Ms. Shaw-Kwasie, approved unanimously.

- D) **New RDA: 26 Vine Street #RDA1441:** Submitted by John and Judy Skerry to repair and expand existing deck and railings toward riverfront. (Map 112 Lot 12 B).

Presenter: Judy Skerry, 26B Vine Street, Gloucester, MA

Ms. Skerry reviewed the proposed project that entails demolition of an existing 8-foot deck with a partial rubber roof, followed by reconstruction of a 16-foot deck, with rubber roof in the same location. The proposed deck would match the length of an existing deck on the other side of the house. The structure is over 100-feet from the river and would not be closer to the resource than what already exists.

Mr. Gulla asked Ms. Skerry what materials she is proposing for the deck construction. Ms. Skerry replied that pressure treated wood and composite railing is proposed.

Public Comment: None

Members of the Commission discussed and requested the following conditions.

Conditions:

1. Hay bales are to be set with the direction of the Agent for erosion control
2. Dumpster to be placed in front of the house and will be covered
3. Plantings will be placed in front of the edge of the deck
4. Gutters for the rubber roof portion of the structure will be placed to discharge toward plantings and away from the resource area

Motion for a negative determination for the project at **26 Vine Street #RDA 1441** with the aforementioned conditions made by Mrs. Jackson, seconded by Mr. Gradwohl, approved unanimously.

- E) **New RDA: 6 Juniper Road #RDA1442:** Submitted by Dan McMullen to extend the deck towards the riverfront (Map 96 Lot 44).

Presenter: Dan McMullen, 6 Juniper Road, Gloucester, MA

Mr. McMullen reviewed his proposed plan to construct a deck the width of the house, 13 feet out toward the river. An existing deck on the side of the house will be extended to meet the new construction, creating a wrap-around deck.

Mr. Whittaker noted that although the 200-foot coastal buffer zone has not been delineated and may move a few inches, the proposed new construction is barely jurisdictional.

When questioned by Mr. Feener, Mr. McMullen stated there is currently crushed gravel underneath the proposed deck area.

Public Comment: None

Members of the Commission discussed and requested the following conditions.

Conditions:

1. During sonotube installation, Applicant will dig and fill on the same day or truck soils off-site
2. A permanent area of crushed stone will be placed underneath the deck, extending three feet. This area will be delineated on a map filed with the Agent.

Motion for a negative determination for the project at **6 Juniper Road #RDA 1442** with the aforementioned conditions made by Ms. Charpentier, seconded by Ms. Shaw-Kwasie, approved unanimously.

- F) **New RDA: 27 Rocky Neck Ave #RDA1443:** Submitted by 2531 RNA Realty for construction of 12' x 22' Kayak boat storage addition (Map 130 Lot 5, 6, 7, 8).

Presenter: Joel Favazza, Seaside Legal Solutions, 111 Main Street, Gloucester, MA

Mr. Favazza reviewed the proposed project to construct a new storage shed at Bickford Marina. The proposed freestanding shed would sit on concrete footings and be located 2 feet away from an existing storage shed. The ground is now, and will continue to be, covered with compacted gravel. Storm water would run off the roof, down a gutter, and into the compacted gravel. Mr. Favazza noted this would have no impact to the coastal bank.

Mr. Gulla noted his concern regarding intensity of use on this site.

Mr. Feener discussed two conditions to be followed by the Applicant regarding type of storage and installation of rain barrels.

Public Comment: None

Conditions:

1. Outbuilding will not house any pollutants
2. Storm water run-off will be sent into a rain barrel prior to entering crushed stone

Motion for a negative determination for the project at **27 Rocky Neck Ave #RDA 1443** with the aforementioned conditions made by Ms. Charpentier, seconded by Mr. Gradwohl, approved unanimously.

- G) **New NOI: 8 Thurston Lane MassDEP#28-.....:** Submitted by Paula Parsons to construct a seasonal ramp and float for access to Annisquam River (Map 98 Lot 50, 51).

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

Mr. Judd reviewed the proposed plan to install a seasonal gangway and 10' x 20' float, extending from the seawall, for access to the river. He

noted a site visit with the Agent, members of the Waterways Board, the Harbormaster, and the Shellfish Constable had taken place.

Mr. Gulla noted the Shellfish Constable had four recommendations for the Applicant to abide by. Further discussion took place regarding how the Applicant plans to prevent shading of the salt marsh.

Mr. Judd described the proposed 50-foot gangway which would be 5-feet above the salt marsh at the seawall, tapering to ½-foot separation at the proposed float. The Commission discussed the proposed construction in relation to sun exposure and shading.

Mr. Whittaker recommended a site visit to the Commission to answer any questions regarding shading and orientation.

Mr. Feener noted that the corner of the proposed float would be directly on the line of the marsh. He asked the Applicant if an adjustment is possible. Mr. Judd mentioned limitations associated with the long length of the ramp, as well as the need to maintain an existing right of way.

Mr. Feener and Mr. Gulla also noted their concern regarding the proposed constructions proximity to marsh grass.

Mr. Whittaker agreed to e-mail the Commission and Applicant to set a date for a site visit.

Public Comment: None

Motion to continue the project at **8 Thurston Lane MassDEP#28-....** to June 3, 2015 made by Ms. Jackson, seconded by Mr. Gradwohl, approved unanimously.

- H) **New NOI: 16 Cambridge Ave Mass DEP#28-....:** Submitted by Deborah Decotis to remove and reconstruct a single family home, grading, landscaping and utilities within wetland buffer zone (Map 119 Lot 46).

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

Mr. Judd stated the proposed project is very similar to the project approved last year for the same site that did not come to fruition. He reviewed the current proposed project to demolish the existing house and driveway, and to reconstruct a house (in the same footprint as the previously approved project) as well as a paved driveway. A planting plan has been filed with the Agent. Temporary erosion control is planned during construction. Mr. Judd noted the property is bordered by a 36-inch high stone retaining wall.

Mr. Gulla asked Mr. Judd to outline the differences between the current proposed plan and the previously approved plan.

Mr. Judd stated that although the footprint of the proposed new house is slightly different from previously approved, there is a net reduction of impervious area. The current proposed plan will replace the windows and roof of the garage, but the structure will stay the same. Although not required, mitigation planting is proposed.

Mr. Gradwohl requested the Applicant file a construction sequence/detailed map for the proposed driveway construction.

Mr. Judd noted the City Engineer has given approval regarding drainage for the proposed driveway.

Members of the Commission requested a site-visit to orientate themselves to the proposed driveway location.

Public Comment: None

Motion to continue the project at **16 Cambridge Ave Mass DEP#28-....** to June 3, 2015 made by Mr. Gradwohl, seconded by Ms. Shaw-Kwasie, approved unanimously.

- I) New RDA: 139 Wingersheek Road #RDA1444:** Convert existing deck to covered living space within 70' of coastal dune resource area(s) (Map 260 Lot 10).

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

Mr. Manuel reviewed the proposed project located 175 feet away from the beach area. The existing elevated deck is an impervious structure as it has a rubber roof and is used for dry storage. The proposed project would demolish this structure, install a proper foundation, rebuild the existing storage area and create living space in the same footprint as the existing deck. There would be no change in impervious area.

Mr. Manuel described the site, which is lawn with a cobble stone driveway. Across the street is the dune-related resource area to which the project is located in the 100-foot buffer, being 65-foot way. Although the resource is elevated, the Applicant proposed silt socks outlining the construction area to keep construction contained.

Mr. Feener requested a condition regarding storm water management and Mr. Gulla requested no stockpiling of soils.

Public Comment: None

Conditions:

1. Storm water management for the new construction will mimic what exists currently

Motion for a negative determination for the project at **139 Wingersheek Road #RDA 1444** with the aforementioned condition made by Ms. Charpentier, seconded by Mr. Feener, approved unanimously.

J) New NOI: 726 Rear Washington Street MassDEP#28-.....: Repair to existing granite walls along coastal bank. Also add site landscaping (Map 116 Lot 11).

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

Mr. Manuel reviewed the proposed plan to repair an existing granite seawall that is crumbling on Lobster Cove. The wall would be taken down to the base stones and re-built in the same footprint as a dry stack wall. He noted the granite stones that can be salvaged would be used again, with new granite stones added and washed stone encapsulated in filter fabric used as back-fill. Mr. Manuel noted secondary features for the proposed plan include a raised vegetable garden with a stacked granite perimeter, a fire pit, a granite wall with plantings and maintenance to existing stone features.

Mr. Feener stated his concern over pesticide use in the proposed vegetable garden

Mr. Gulla stated his concern over delineating the property line during construction so as to not disturb the basin, soil, etc. on the River side.

Presenter: Matthew Araneo, Araneo Landworks, Inc, 17 Kondelin Road, Gloucester, MA

Mr. Araneo spoke to the property line at low tide being much more definitive than illustrated by the filed photograph displayed. He noted the base course of the proposed wall would be new, large stones to create a long-term structurally sound wall. Offsets would be staked before construction begins.

Mr. Feener questioned why the Applicant is proposing to re-build the wall if it is not protecting any structure. Mr. Manuel noted an adjacent wooden pier that has had to be repaired numerous times due to rock footings falling away. He also noted the intention of fixing the wall before an emergency situation could happen.

Mr. Gulla stated his concern over the proposed installation of a ramp over the proposed wall as it pertains to intensity of use. Mr. Manuel noted the Applicant launches their kayak on the site; the ramp would continue this use after the proposed wall is re-built.

The Commission requested a site visit at low tide, and that the Applicant marks the area of proposed seawall reconstruction.

Public Comment: None

Motion to continue the project at **726 Rear Washington Street MassDEP#28-....** to June 3, 2015 made by Ms. Shaw-Kwasie, seconded by Ms. Charpentier, approved unanimously.

K) ANRAD 161, 165, 171 Atlantic Road: Delineation of bordering vegetated wetlands (Map 73 Lots 26, 36, 37).

Presenter: Craig Miller, Engineer - Waterfield Design Group, 50 Cross Street, Winchester, MA

Mr. Whittaker stated he conducted a site visit and found the site appropriately flagged. He noted the only significant change in delineation was in the lower right corner of the property where the area of wetland increased significantly.

Mr. Miller noted the area had been flagged recently. On the property there is a clear change in topography and plantings where the border is located.

Mr. Miller noted a recent project where the Applicant worked with the Gloucester DPW to un-block a clogged culvert ultimately creating better drainage for the neighborhood.

Public Comment: None

Motion to approve the ANRAD at **161, 164, 171 Atlantic Road** made by Ms. Charpentier, seconded by Mr. Gradwohl, approved unanimously.

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

Mr. Whittaker informed the Commission the Wise Place parking matter is on-going. He has requested copies of all correspondence between the lawyers involved. Mr. Whittaker will put the matter on the Agenda for the next meeting.

V. AGENT'S REPORT ON VIOLATIONS:

- **Beachcroft Road**

Mr. Whittaker informed the board of a blocked culvert. He has sent correspondence to the owners and is awaiting a response.

- **Report on past Violation Letters**

Mr. Whittaker noted three recent violation letters that were sent. All three recipients have cooperative.

VIII. CERTIFICATES OF COMPLIANCE

- **227 Atlantic Road**

Mr. Whittaker reviewed the old order of conditions. He noted two conditions using the language of "perpetual restriction", making it difficult for him to grant the certificate of compliance.

Mr. Whittaker suggested the Commission consider re-visiting the perpetuity of the two conditions. He will send the plans to the Commission for further discussion at the next meeting.

Presenter: Ben Gary, Marshall Gary LLC, 200 Harvard Mills Square, Suite 420, Wakefield, MA

Mr. Gulla outlined the Commission's intention of re-visiting the Order of Conditions to Mr. Gary, who is representing the owner of the property.

There being no further business the Chair adjourned the meeting at 9:31 PM