

CITY OF GLOUCESTER
CONSERVATION COMMISSION
MINUTES -

WEDNESDAY March 18, 2015 - 7:00 PM
City Hall, 2nd Floor, Kyrouz Auditorium
Robert Gulla Chair

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

Staff: Ken Whittaker - Agent, Kristine Cheetham – Conservation Assistant, Courtney Karcher – Recording Clerk

Chairman Gulla opened the meeting at 7:05 PM

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

II. **PUBLIC COMMENT:** None

- III. **MINUTES REVIEW:** Consideration of the draft minutes from the meeting of February 18, 2015 was deferred until the next meeting.

IV. **Block 1* Continued Projects**

- A) **Continued NOI: 41 River Road – MassDEP #28-2373:** 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).

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

Mr. Favazza presented that the existing 440 square foot pea stone driveway has issues with pea stone migrating into street. Applicant plans to replace pea stone with concrete pavers that will be pitched north and west to direct any run off toward existing vegetation and road. Plan includes 1:1 mitigation planting as outlined by Commission. 700 square feet will be planted with focus on east and northern edge to address runoff moving toward Lobster Cove and to reduce erosion near the seawall.

Mr. Feener very pleased with planting plan.

Public Comment: None

Motion to approve project at **41 River Road – MassDEP #28-2373** made by Mr. Sherman, seconded by Mr. Feener, approved unanimously. Ms. Jackson

abstained.

- B) 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).

Applicant was not present.

Mr. Whittaker explained that trees were removed from a steep slope in the backyard in riverfront area. There were allegations of erosion coming down into neighbor's property. Applicant was asked to submit a RDA with a Planting Plan to replace the shrubs and trees in order to stabilize the back. Issue was an after the fact violation. Applicant has been cooperative.

Mr. Feener was concerned with the type of vegetation chosen for planting; therefore Mr. Gulla recommends consulting with an arborist. Mr. Whitaker agreed to pass on the recommendation.

Public Comment: None

Motion to continue project at **10 Doanne Road - RDA # 1429** to April 1, 2015 made by Mr. Gradwohl, seconded by Ms. Jackson, approved unanimously.

- C) Continued RDA: 6 Andrews Street – Lanes Cove - RDA # 1383:** Submitted by Jane Rose (requested presentation by Conservation Agent) 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).

Mr. Whittaker explained that the site is comprised of two parcels – an upper residential, developed parcel and a lower field next to Lanes Cove. In between is an area that is highly overgrown. The Planting Plan for this area is: 1. Removal of invasive species in the overgrown area; 2. Lower field (next to Lanes Cove) to be cleared of invasive species; mowed; ornamental plants and vegetable crops to be planted; a rain garden added; an erosion silt sock added to protect stream. Mr. Whittaker has visited the site several times and sees no negative impact on wetlands.

Previous mowing of the site as well as some planting caused complaints from a neighbor leading to involvement by Mr. Whitaker.

Mr. Feener stated he would like the Planting Plan to be re-visited in terms of species being removed/planted.

The Commission discussed the history of the application and the past history of the applicants' actions relative to this application.

The Commission requested the applicants' attendance to address Mr. Feener's concerns and answer a few questions so that the Board is confident with the applicants' compliance.

Public Comment: None

Motion to continue the project at **6 Andrews Street – Lanes Cove - RDA # 1383** to April 1, 2015 made by Ms. Jackson, seconded by Mr. Gradwohl, approved unanimously.

- D) **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).

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

Mr. Manuel stated that he has submitted information to the Commission to address questions that arose from the last meeting. At the Commission's request, Mr. Manuel presented a plan to include a guardrail, or alternatively a vertical granite curb, to the woods road crossing of the wetland.

Mr. Manuel addressed the width of the driveway, and the pressure sewer installation in a construction sequence submitted to the Commission. He suggested requiring an erosion monitor to visit site during this construction once a day. Mr. Manuel would then submit a weekly electronic report to Mr. Whittaker. Mr. Manuel has also submitted a slow planting plan to the Commission.

Mr. Gulla requested letter from Paul Keane, City Engineer, addressing exact location of frontage.

In response to Mr. Feener's concern regarding tree removal; Mr. Manuel stated that an Arborist would be on hand for consultation. In addition, the construction sequence includes a three-year plan for tree mortality.

Mr. Gradwohl noted that he expects the construction sequence to be explicitly followed.

Public Comment:

Joel Swan - 648 Essex Avenue, Gloucester, MA

Mr. Swan, abutter to the land, summarized a letter that he will submit to the Commission. He does not think the duplex has to be situated where it is proposed, and would like to see alternatives. Mr. Swan proposed that the driveway and sewer be separated to avoid the driveway being located on Essex Avenue. He cited cumulative effects and intensity of use as it pertains to the proposed project. Mr. Swan stated his concern over excavation before an ANR as an attempt to circumvent a restriction caused by a steep slope on the property.

Public Comment Closed

Roger LeBlanc -14 Mill Road, Gloucester, MA –owner of the property - was called upon by Commission to answer questions about sewer on his land, specifically land on Welch Lane.

Mr. Manuel stated that the Applicant intends to file an ANR after the Conservation Commission issues are resolved.

Mr. Gulla requested an installation plan for guardrails with focus on minimum effects of the Wetlands, along with aforementioned letter from the City Engineer. He also requested applicant research mitigation opportunities for wetland plantings. Mr. Feener requested a written plan from an Arborist on tree removal procedure.

Motion to continue the project at **644 Essex Avenue – MassDEP #28-2367** to April 1, 2015 made by Mr. Sherman, seconded by Mr. Gradwohl, approved unanimously.

- E) **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).

Commission awaiting report on the impact associated with the two proposed retaining walls. Report should be available by next meeting.

Motion to continue the project at **15 Mount Locust Place – MassDEP # 28-2334** to April 1, 2015 made by Ms. Jackson, seconded by Mr. Sherman, approved unanimously.

V. Block II* NEW Projects

- F) **New 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, 100 Conifer Hill Dr # 516, Danvers

Mr. Manuel presented that the applicant is proposing removal of the existing structure as well as building a new house on existing footprint located in the buffer zone for the coastal bank. Erosion control barrier will be installed. The proposed project will increase the impervious area on site by 491 square feet. 982 square feet in mitigation is planned along the river. The City Engineer has approved drainage plan.

Mr. Manuel explained that the proposed covered porch is the only place the plan will go off footprint. It will be a story above grade supported by vertical posts.

No vegetation will be removed.

Mr. Whittaker recommended the Commission put restrictions on lawn chemicals/fertilizers due to slope on property toward river.

Mr. Feener recommended small plants be planted in mitigation. Commission satisfied with planting plan.

Plan under review from Department of Environmental Protection.

Mr. Sherman expressed concerned regarding the covered porch placement. He is concerned about increasing impervious area (structure) toward the river and that it reduces the amount of infiltration.

The Commission and Mr. Manuel discussed the existing and proposed impervious and pervious area in regard to the proposed covered porch. It was discussed whether the existing patio is considered a structure and what consequence that would have in terms of encroachment. It was also discussed whether the proposed covered porch is considered impervious or pervious.

Mr. Manuel stated that the net decrease of impervious area between the house and the water is 172 feet. Plan meets the impact threshold.

Mr. Manuel polled the Commission. Mr. Gulla, Mr. Sherman, Mr. Gradwohl concerned with proposed project. Ms. Jackson and Mr. Feener okay with proposed project.

Mr. Gulla stated that he does think that it will be a better environmental project overall – net positive.

Motion made to accept the project at **14 Juniper Road – MassDEP #28-2384** made by **Ann Jo**, seconded by **Mr. Feener**

Motion to withdraw previous motion made by Ms. Jackson.

Further Discussion: Mr. Manuel stated that applicant has provided mitigation willingly. Applicant strongly involved in Mass Audubon and has worked to protect clamflats. Mr. Manuel believes the pros outweigh the cons in regard to proposed plan.

Mr. Sherman stated that he does not agree that removing the existing patio under the deck decreases pervious structure. He stated that the proposed plan decreases the open space going to the river. Mr. Sherman would approve the building of the covered porch if the patio and deck were removed.

Public Comment:

Louise Corliss, 16 Juniper Road, Gloucester, MA – Ms. Corliss is concerned about whether or not the new house construction will be built in existing footprint. She is concerned with encroachment upon her land.

Mr. Whittaker showed Ms. Corliss details of the proposed plan.

Public Comment Closed

Mr. Manuel requested a continuance.

Motion to continue project at **14 Juniper Road – MassDEP #28-2384** to April 1, 2015 made by Ms. Jackson, seconded by Mr. Gradwohl, approved unanimously.

- G) **New Extension for Order of Conditions: 3 Welch Lane- MassDEP # 28-1933:** Submitted by Roger LeBlanc (represented by Bill Manuel of Wetlands and Land Management Inc.) for development of duplex residence and associated roadways, utilities and landscaping.

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

Mr. Manuel presented that the applicant requests extension of two years due to economic upswing in housing market.

Commission proposed one year, not comfortable with economic reasons for two year extension.

Motion made to approve one year extension of project at **3 Welch Lane- MassDEP # 28-1933** made by Mr. Gradwohl, seconded by Ms. Jackson, approved unanimously.

H) New 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 - 6 Point Road, Gloucester MA

Mr. McCarthy explained intent to build a single family home on the lot with a gravel road and stone driveway. He has plans to replant 2:1 what is cleared by construction.

Mr. Gulla expressed concern in regard to the 100 foot setback/buffer during construction, and post construction land use.

Mr. McCarthy stated he has no plan to build deck etc., on the back of the house and plans to leave it as natural as possible.

Mr. Gulla requested a site visit. He requested that any trees slated for removal be tagged. Site visit was scheduled for Sunday 29, 2015 – 8:30 AM

Mr. Feener requested an inventory of tree removal by arborist.

Public Comment: None

Motion to continue the project at **166 Bray Street - # GWO15-01** to April 1, 2015 made by Ms. Jackson, seconded by Mr. Gradwohl, approved unanimously.

I) New Extension for Order of Conditions: 7 Whale Rocks Road MassDEP #28-1764: Submitted by David Newton to install septic system and driveway improvements for proposed new dwelling (Map 243 Lot 22).

Presenter: David Newton - 346 Congress Street, Boston MA - as well as - 268 Concord Street, Gloucester MA formerly known as 7 Whale Rocks Road, Gloucester MA

Mr. Newton requested an extension of one year.

Public Comment: None

Motion to approve the one year extension at **7 Whale Rocks Road MassDEP #28-1764** made by Ms. Jackson, seconded by Mr. Sherman, approved unanimously.

Discussion: Mr. Feener requested that the landscape plan be reviewed to comply with the Mass Do Not Plant List for 2015.

- J) **New RDA: 99A Essex Avenue – RDA # 1434:** Submitted by Cianbro Corporation for expansion of use of a gravel parking lot as a lay down yard/bulk storage of structural steel, crew parking, office trailers and equipment storage (Map 218, Lots 1, 17 and 126).

Presenters: John Cunningham, Cunningham and Cunningham, 59 Main Street, Gloucester MA represented Beauport Gloucester, LLC – Owner.

Brayden Sheive, Project Manager for Cianbro Corporation, 101 Cianbro Square, Pittsfield, ME

Mr. Cunningham explained that the lot would be used as a staging area for work done on the A. Piatt Andrew Bridge. Silt fences and socks will be used to contain any potential spills.

Mr. Sheive noted that Cianbro's lease date is through November 2015. Lot will have 3-4 portapottys. They will have spill kits with literature along with spill prevention plans.

Mr. Gulla requested photo/video documentation of the site as it is now. Ms. Cheatham noted that she has toured the site and it is in good condition.

Public Comment: None

Motion for a negative determination for the project at **99A Essex Avenue – RDA # 1434** made by Mr. Sherman, seconded by Ms. Jackson, approved unanimously.

- K) **New 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).

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

Mr. Judd explained the proposal to construct a single family dwelling on the lot. The Zoning Board of Appeals approved a plan to move the house closer to the road than zoning allows in order to move the house further away from the wetlands. The house at its closest point would be 38 feet away from the wetlands, and 21 feet from the erosion control line. Paul Keane, City Engineer, has approved the plan.

The Commission asked various questions pertaining to the plan for building a retaining wall including proposed height and vegetation removal. Noted that the Commission would appreciate an attempt at mitigation.

The Commission scheduled a site visit on Sunday 29, 2015 9:30 AM.
Applicant will place stakes.

Motion to continue the project at **71 Bond Street – MassDEP # 28 -2383** to April 1, 2015 made by Ms. Jackson, seconded by Mr. Gradwohl, approved unanimously.

- L) **New RDA: 257 Sleepy Hollow Road, RDA # 1433:** Submitted by Hawks Association (represented by Gateway Consultants, John Judd) in application to replace the existing failed drainage pipe in a private roadway (Map 257, Lot 36 and 180).

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

Mr. Judd explained that the Hawks Association, an association of homeowners on Sleepy Hollow Road, proposes replacement of a damaged drainage pipe located at the end of the road. The outlet pipe going toward ocean has been historically clogged. Existing pipe to be removed and slotted 8 inch pipe with infiltration to replace it.

Public Comment: None

Motion to put forth a negative determination for **257 Sleepy Hollow Road, RDA # 1433** made by Ms. Jackson, seconded by Mr. Gradwohl, approved unanimously. Mr. Gulla abstained.

- M) **New RDA: 117 Eastern Point Boulevard RDA # 1428:** Submitted by Robert Crandall (represented by Gateway Consultants, John Judd) in application to remodel existing dwelling in same footprint with enclosed concrete patio (Map 137, Lot 36).

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

Mr. Judd presented the proposal for a new cottage to be constructed in existing cottage's footprint. Erosion control will be placed on the side of driveway to protect against construction trucks.

Mr. Feener requested that no construction trucks be parked on the side of the main road during mud season.

Public Comment: None

Motion to put forth a negative determination for **117 Eastern Point Boulevard RDA # 1428** made by Ms. Jackson, seconded by Mr. Gradwohl, approved unanimously.

- N) **New 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 presented the applicants proposal to reconstruct the wooden pier in the same footprint with the same supports and to reconstruct the sea wall with fieldstones. Applicant would plant on top of the sea wall to address mitigation and erosion.

The Commission asked questions in regard to the new sea wall including height, placement. Clarification was requested, as the plan seemed to outline rebuilding the sea wall on the left side and proposing a new sea wall on the right. The small amount of historical evidence pointed to the right side not existing. Mr. Gulla expressed concern that a new wall would be armoring a coastal bank.

The Commission approved the re-building of the pier. They requested more information for the application to construct a replacement sea wall, such as historical documentation of the right side of the wall, and a photo of what exists on the left side of the wall. The issue of ownership and access needs to also be addressed.

Mr. Whittaker will take pictures of the site and distribute to Commission.

Public Comment:

Barbara Davis, 20 Thurston Point Road, Gloucester, MA – Ms. Davis is concerned about right of way, public access on right side of wall. She carries her kayak and will have a problem with a high wall. She has no objections in regard to the rest of the proposal.

Deborah Laurie, 27 Thurston Point Road, Gloucester, MA – Ms. Laurie submitted a letter to Mr. Whittaker. She is concerned with applicant encroaching on right of way. She believes that the right side of the wall is not the applicants' legal property.

Donald Laurie, 27 Thurston Point Road, Gloucester, MA– Mr. Laurie objects to any work being done to the right of way.

Karen Scalli, 23 Thurston Point Road, Gloucester, MA – Ms. Scalli does not want work done at right of way, does not believe it is applicants' property. She has no objections in regard to the rest of the proposal.

John Scalli, 23 Thurston Point Road, Gloucester, MA– Mr. Scalli expressed concern over any work done at right of way. He has no objections in regard to the rest of the proposal. Noted that two neighbors, Harry Schwartz, and John Noonan have the same concerns.

Public Comment Closed

Mr. Feener pointed out that armoring more on the right side would have a negative impact on root system of nearby tree.

Mr. Whittaker will forward Massachusetts Department of Marine Fisheries comments to the Commission.

Motion to continue the project at **36 Thurston Point Road MassDEP # 28-.....:** to April 1, 2015 made by Ms. Jackson, seconded by Mr. Gradwohl, approved unanimously.

- O) **New Extension for 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.

Motion to approve one year extension for the project at **52 Whittemore Street – MassDEP #28-1929: AKA Anchorworks Subdivision** 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

- V. **AGENT’S REPORT ON VIOLATIONS:** Updates/Investigations – None.

VIII. CERTIFICATES OF COMPLIANCE

28-2086 (Pending snow disappearance) No vote – Too much snow.

28-1873 National Grid sampling project on Harbor Loop

Motion for Certificate of Compliance for # **28-1873** made by Mr. Gradwohl, seconded by Ms. Jackson, approved unanimously.

ANNOUNCEMENTS:

Mr. Whittaker announced that the city is sponsored through the office of the states Attorney General at an open meeting law forum scheduled to be held April 7, 2015 in the Kyrouz Auditorium, City Hall, from 6-8 PM. Members of various Commissions and bodies are asked to attend.

Mr. Whittaker introduced Michelle Cain to the Conservation Commission, as she is interested in joining the Commission.

There being no further business the Chair adjourned the meeting at 10:18 PM