

CITY OF GLOUCESTER

CONSERVATION COMMISSION

MINUTES

WEDNESDAY August 5, 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

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:

Consideration of the draft minutes from the meeting of **July 15, 2015** was deferred until the next meeting.

IV. Block 1* Continued Projects

A) 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 August 19, 2015 made by Ms. Jackson, seconded by Ms. Charpentier, approved unanimously.

V. Block II* NEW Projects:

A) New NOI: 8 Pebble Path MassDep #28-2402: Submitted by Michael Galasso to remove the existing two story dwelling and replace with new two story dwelling to be supported on steel piles (Map 261 Lots 14 and 16).

Presenter: Dan Goodenow – Offbeat Architectural Services, 616 Western Ave, Gloucester, MA

Mr. Goodenow reviewed the Application to replace an existing beach cottage with a new structure in the same footprint, with a slightly reduced

impervious area. The proposed new structure would be constructed on piles. The proposed deck area would be pulled back from the resource area and reduced in size. An existing shed and walkways cutting through dunes would be removed. A proposed new septic system would be installed, as well as a snow fence. Mr. Goodenow noted proposed planting of shrubs as well as replacement of dune grass in place of existing walkways.

Mr. Goodenow noted a comment received from the DEP regarding a 2-foot deep footing underneath a proposed 3-foot breakaway wall. He stated the proposed plan would be updated, as this would not be allowed.

Mr. Feener requested precautions be put in place to prevent the collapse of sand during excavation. He requested a structural engineer be involved and a plan filed pre-construction.

Mr. Gulla questioned the vegetation of the area. Mr. Goodenow pointed out (on filed photographs) the walkways that would be restored to dune, as the Applicant would be using an existing easement to access the beach.

Mr. Gulla stated his concern with supervision of contractors to protect the resource area. He requested professional supervision during construction, including photographs to be submitted to the Agent every two weeks.

Mr. Feener requested the proposed septic installation area to be treated as different work zone with it's own erosion controls.

Public Comment:

Daniel McLaughlin – 7 Pebble Path, Gloucester, MA

Mr. McLaughlin stated his full support of the project. He noted he is delighted with the plan and architect and believes the dune would be enhanced.

Mr. Feener noted he would like to see any issues with the DEP be resolved. He requested the Application be revised before Commission approval.

Conditions:

1. Applicant will provide additional engineering to prevent potential collapse of sand during excavation/construction.
2. Dune grass mitigation will have a one-year mortality clause
3. Applicant's representative will submit photographic documentation every two weeks until exterior work is completed.
4. The septic system construction area will be considered a separate work zone with its own erosion control plans filed with the Agent.

5. Vegetation replacement will be required surrounding the new structure, although no additional mitigation is required.

Motion to continue the project at **8 Pebble Path MASSDep #28-2402** to August 19, 2015 made by Ms. Charpentier, seconded by Ms. Jackson, approved unanimously.

- B) **New RDA: 139R East Main Street #RDA1453:** Submitted by Peter Bent to excavate and pour footing for 40 ft. sidewall (3 ft. high and 2' wide) (Map 59 Lot 88).

Mr. Whittaker reviewed the application to dig a trench, and fill it with concrete to be used as a base for a proposed building.

The Commission requested the Applicant's presence at the next meeting to discuss the Application.

Motion to continue the project at **139R East Main Street #RDA1453** to August 19, 2015 made by Ms. Charpentier, seconded by Ms. Jackson, approved unanimously.

- C) **New NOI: 102 Hesperus Avenue MassDEP #28-.....:** Submitted by Erich and Jennifer Budenhagen to construct a detached garage and expand septic (Map 192 Lot 20).

Presenter: Laura Krause – Derosa Environmental Consulting, Inc., 167 Main Street, PO Box 716, Rowley, MA

Ms. Krause reviewed the Application to construct a detached garage and extend the septic system. She pointed out the proposed locations of both in relation to resources on the property; which include riverfront area and bordering vegetated wetland.

Mr. Feener noted the need to review the filed Alternative Analysis in order to determine if it meets requirements.

Mr. Gulla requested Ms. Krause outline the Alternatives Analysis in regard to the detached garage for the Commissions review.

Ms. Krause noted the site is very constrained by setbacks and ledge. In order to keep the proposed garage out of the 100-ft buffer zone, as well as the appropriate 25-ft away from the septic, there is only one plausible area to construct the garage.

Mr. Feener noted, with the intention of causing little or no impact to resource area, he did not see sufficient mitigation proposed to protect the

resource area from the proposed garage.

Ms. Krause stated all roof run-off would be collected in two infiltration basins. Additionally, erosion control would be placed around the work site area.

Mr. Gulla stated his concern with impact to the surrounding buffer zone, as the 100-ft buffer zone is very sensitive.

Mr. Whittaker recommended the Commission review a filed document outlining the number of trees slotted to be removed.

Presenter: Michael Novak, PE – Meridian Associates, 500 Cummings Center, Suite 5950, Beverly, MA

Mr. Novak reviewed the alternative analysis, so as to be clear about the Commission's concerns. He noted, in regard to the proposed garage's placement, there are existing zoning laws that need to be complied with.

Mr. Gulla stated his concern that not enough effort has been made to keep the proposed structure out of the 100-ft buffer zone.

The Commission requested a site-walk and it was set for August 14, 2015. Mr. Novak agreed to stake out the four corners of the proposed garage for the Commission's review.

Public Comment: None

Motion to continue the project at **102 Hesperus Avenue MassDEP #28-....** to August 19, 2015 made by Ms. Charpentier, seconded by Ms. Jackson, approved unanimously.

D) **New RDA: 128 A Wheeler Street #RDA 1452:** Submitted by Doug Baraw to change the roofline to address ice damage: new roof, siding, windows and doors (Map 100 Lot 29).

Presenter: John Brown - 20 Burke Avenue, Rowley, MA

Mr. Brown reviewed the Application to replace the existing roof in order to change the roofline. Currently, water runs between the home and the garage, causing damage. The proposed plan would ensure storm water run-off would be directed to the outside of the structure. He noted the proposed plan includes a new roof, siding windows and doors to address existing damage.

Mr. Gulla noted his concern with drainage point discharges.

Mr. Brown noted an existing retaining wall on the property as well as a 10-foot by 16-foot existing splash area.

The Commission and Mr. Brown discussed various conditions to ensure minimal erosion on site as well as control any construction debris from entering the resource.

Public Comment: None

Conditions:

1. A magnetic drag will be conducted to control construction debris.
2. The on-site dumpster will be covered every night.
3. Applicant will manage trash and construction debris.

Motion for a negative determination the project at **128 A Wheeler Street #RDA 1452** with the aforementioned conditions made by Mr. Feener, seconded by Ms. Jackson, approved unanimously.

Discussion: It was noted a negative determination was granted due to there being no increase of impervious area as well as there being a pre-existing drainage system that would stay intact.

- E) **New NOI: 15 Totten Lane MassDEP #28-....:** Submitted by Chris Petersen to install a residential dock, ramp, floats and flagpole and repair existing steps (Map 252 Lot 4).

Motion to continue the project at **15 Totten Lane MassDEP #28-....** to August 19, 2015 made by Mr. Feener, seconded by Ms. Jackson, approved unanimously.

- F) **New RDA: 56 Thurston Point Road #RDA1451:** Submitted by James Ward, Trustee to raze a barn, remove remnants of gazebo and fill an in-ground swimming pool with concrete from pool and pool deck (Map 98, Lot 24).

Presenter: Michael Faherty, Attorney – 111 Main Street, Gloucester, MA

Mr. Faherty reviewed the application to take down a deteriorated barn and gazebo, as well as fill an in-ground swimming pool. He proposed removing the liner of the pool, breaking up the concrete patio and wall and using that material to fill in the pool. The area would then become grass. He noted the barn is located 90-ft from the Riverfront area. There would be no excavation in regard to the barn or gazebo.

Mr. Feener questioned the excavation needed for removing the patio. Mr.

Faherty stated there would be a siltation fence placed around the patio excavation area.

Public Comment:

Susan Sayess – 54 Thurston Point Road, Gloucester, MA

Ms. Sayess, an abutter to the property, stated her support in favor of tearing down the barn, as a portion of it is located on her property.

Condition:

1. The Applicant will notify the Agent if, during the excavation of the patio, any unforeseen excavation is necessary.

Motion for a negative determination for the project at **56 Thurston Point Road #RDA1451** with the aforementioned condition made by Mr. Feener, seconded by Ms. Jackson, approved unanimously.

G) **New NOI: 126 Eastern Point Boulevard MassDEP #28-....:** Submitted by Eben and Heather Moulton to repair septic system (Map 127 Lot 15).

Presenter: John Dick – Hancock Associates, 185 Centre Street, Danvers, MA

Mr. Dick reviewed the Application to repair a septic system for a house that is located on the salt marsh. The entire lot is subject to coastal storm flowage. Mr. Dick stated the new drip irrigation septic system would be located in the same footprint of the existing septic system and has been approved by the Board of Health.

Commission members questioned system failings in a case of coastal storm flooding. Mr. Dick stated the system would not discharge like a sewer. There is a chance salt water may infiltrate into the tank, but sewerage would not come out.

Public Comment: None

Conditions:

1. Applicant will file the Board of Health approval with the Agent.
2. Applicant will address any comments received from the DEP.

Motion to approve the project at **126 Eastern Point Boulevard MassDEP #28-....** with the aforementioned conditions made by Ms. Charpentier, seconded by Ms. Jackson, approved unanimously.

H) **New RDA: 15 Keystone Road #RDA1450:** Submitted by James Kreyling to build a single family home of 1550 sq. ft, 1000 sq. ft. footprint, accessed by

permeable gravel driveway across buffer zone, and utility trenches across buffer zone (Map 237 Lot 118).

*Mr. Gulla disclosed that he is an abutter to the property. Mr. Kreyling stated he did not have an issue with Mr. Gulla residing over the hearing.

Mr. Whittaker stated, because there is an existing Approval for the property, the Commission would need to review what was previously approved against the current Application.

Presenter: Jim Kreyling - 4 Way Road, Gloucester, MA

Mr. Kreyling stated in the original plan that was approved in January 2008, the house was located in the lower area of the lot with a 1500 square foot footprint. He noted part of the house was located in the 100-ft buffer zone.

Mr. Kreyling stated his proposal for a house with a 1000 square foot footprint, located completely outside of the buffer zone.

Mr. Feener questioned the construction of the foundation, as he was concerned with blasting near the buffer zone. Mr. Kreyling stated the surface soil would be cleared down to ledge and the concrete foundation would be pinned into the ledge. He noted he hoped there would be no blasting, but there is a chance it would be necessary for placement of utility lines.

The Commission discussed various conditions to be placed on the Application.

Public Comment: None

Conditions:

1. Applicant will place a line, either of fencing or rocks, to mark the end of the driveway for snow plowing purposes.
2. During the excavation process, if blasting is determined necessary, the Agent will be contacted and the Applicant will file a plan prior to said blasting.
3. Applicant will re-vegetate the area trenched for utilities.

Motion for a negative determination for the project at **15 Keystone Road #RDA 1450** with the aforementioned conditions made by Mr. Feener, seconded by Ms. Jackson, approved unanimously.

- I) **Request for Amendment of NOI: 161 Thatcher Road MassDEP #28-1940**
Submitted by Jack Hyland (Map 178 Lot 60).

Mr. Whittaker explained the Applicants request for an amendment for an NOI. He noted the intent of an amendment would be that no substantial additional impacts would be associated.

Presenter: Jack Hyland - Conant Street, Beverly, MA
Elizabeth Wallace – Hayes Engineering, 603 Salem Street, Wakefield, MA

Ms. Wallace reviewed the existing approved plan to construct a single-family house versus the amended proposed plan to construct a duplex.

Mr. Wallace pointed out the resource areas on the lot and noted the proposed duplex would be located the same distance from the resource as the approved single-family. She noted a filed planting plan and a proposed gravel driveway. Ms. Wallace noted the proposed plan would decrease the impervious area by 31 square feet.

Mr. Gulla noted his concern with doubling the density of use for the lot.

Mr. Whittaker noted he had discussed various concerns with the Applicant. He reviewed the existing approved plan for a single-family house includes a basement apartment.

Mr. Feener stated that any trees on the property that do not pose a danger to anyone or any property should be left alone.

The Applicant and Commission reviewed the filed planting plan.

Mr. Gulla questioned if there were anything more that could be done by the Applicant, i.e. vegetation/planting to compensate for the increased density of use.

Mr. Feener stated his concern with preventing migration on either side of the duplex. He requested a plan for plantings on each side of the structure as a preventative measure.

Applicant agreed to file an amended, expanded planting plan.

Motion to continue the **Amendment of NOI: 161 Thatcher Road MassDEP #28-1940** to August 19, 2015 made by Ms. Charpentier, seconded by Ms. Jackson, approved unanimously.

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

- **Extension for OOC – 2 Beachland Avenue MassDEP #28-1939** (Map 179 Lot 51).

Mr. Whittaker noted he has not yet had time to conduct an inspection to make sure the restoration work completed on the site was done appropriately. As the deadline is approaching, the Applicant requested an extension.

Presenter: Laura Krause – Derosa Environmental Consulting, Inc., 167 Main Street, PO Box 716, Rowley, MA

Ms. Krause noted the plants to be inspected were planted in May and two growing seasons are needed to monitor mortality.

Motion to approve the extension for **2 Beachland Avenue MassDEP #28-1939** for one-year made by Ms. Charpentier, seconded by Ms. Jackson, approved unanimously.

- **Extension for OOC – 161 Thatcher Road**

Motion to approve the **Extension for OOC – 161 Thatcher Road** for one-year made by Ms. Jackson, seconded by Ms. Charpentier, approved unanimously.

- **Minor Modification – 48 Presson Point Road** Katherine and Stephen Lamson – lateral relocation of garage

Mr. Whittaker stated the Applicant's intention to move the location of the proposed garage to the other side of the driveway, out of the buffer zone.

- **Minor Modification – 14 Samuel Riggs Circle** – Patricia Murphy Kerstein – on-site relocation of existing floating dock

Mr. Whittaker stated after the Applicant purchased the property they found out their floating dock was on neighbor's property. He noted the Harbormaster and Shellfish Constable have approved putting a kink in the existing dock so it is situated on their property. It would not encroach on the resource area.

Motion to approve the Minor Modifications for **48 Presson Point** and **14 Riggs Circle** made by Mr. Feener, seconded by Ms. Jackson, approved unanimously.

- **Wise Place Parking**

Mr. Whittaker reviewed, with the Commission's permission he would draft a city ordinance to be reviewed by the City Council. The ordinance would create two parking spaces on Wise Place that would allow parking between 8:00 AM and 6:00 PM. He noted both parties involved had been notified.

Mr. Whittaker read a letter from the Attorney for Mr. Greel into the record, stating; “this letter is in response to Mr. Whittaker’s recommendation that the above referenced land be restricted so as to allow two parking spaces, which may be used from 8:00 AM to 6:00 PM daily and which may not be used for overnight parking or long term storage whatsoever.” Mr. Whittaker confirmed this was his recommendation.

Presenter: Meredith Fine, Attorney - 85 Eastern Avenue, Gloucester, MA representing Anthony and Diana Frontiero, 4 Wise Place, Gloucester, MA

Ms. Fine stated she and her client had no objection to the ban on overnight parking. She stated that when the fence that encroaches on the left side of the property is removed, there would be room for three parking spaces, which would be better for the safety of the neighborhood.

Mr. Feener noted including language addressing parking/snow removal during snow emergencies.

Mr. Whittaker stated barriers would be placed to limit the intrusion into conservation land.

Motion to approve Mr. Whittaker to draft a restrictive parking ordinance for **Wise Place** subject to approval of the City Council made by Ms. Jackson, seconded by Mr. Feener, approved unanimously.

Discussion: Mr. Feener noted the potential addition of “for the purpose of potential recreational use,” as the goal is to oversee the area as conservation land.

- **Montagnino “After the Fact” DPA permitting matter – 111 East Main Street**

Mr. Whittaker reviewed the Applicant had come before the Commission (June 17, 2015) for an after the fact permit to complete piling work after the boundaries of the property had changed under DPA.

Presenter: Chad Ketchopulos - 33 Bennet Street, Gloucester, MA

Mr. Ketchopulos stated the project is 99% complete and was completed within the Conditions outlined by the Commission.

Mr. Whittaker stated he had conducted a site visit to inspect the project and observed the Conditions being met.

Motion to approve the after the fact filing for **111 East Main Street** made by Ms. Jackson, Ms. Charpentier, approved unanimously.

V. AGENT’S REPORT ON VIOLATIONS: None

VIII. CERTIFICATES OF COMPLIANCE

- **5 Woodward Avenue**
- **19 Salt Island Road**
- **15 Horton Street (28-1928, 28-2095, 28-2153, 28-2153)**

Mr. Whittaker did not recommend approval of 28-1928.

- **25 Wingersheek Road Realty Trust**
- **6 Wyoma Road**

Consideration for the Certificate of Compliance for **6 Wyoma Road** was deferred until August 19, 2015.

- **27 Beach Road**
- **105 Maplewood Avenue & 63 Grove Street**
- **31 Niles Pond Road**

Motion to approve the Certificates of Compliance for **5 Woodward Avenue, 19 Salt Island Road, 25 Wingersheek Road Realty Trust, 27 Beach Road, 105 Maplewood Avenue & 63 Grove Street, and 31 Niles Pond Road** made by Ms. Jackson, seconded by Ms. Charpentier, approved unanimously.

Motion to approve the Certificates of Compliance for **15 Horton Street (28-2095, 28-2153, 28-2153)** made by Ms. Charpentier, seconded by Ms. Jackson, approved unanimously.

There being no further business the Chair adjourned the meeting at 9:06 PM