

# CITY OF GLOUCESTER

## CONSERVATION COMMISSION

### MINUTES

WEDNESDAY August 19, 2015 - 7:00 PM  
City Hall, 2<sup>nd</sup> Floor, Kyrouz Auditorium  
Robert Gulla - Chair

**Members Present:** Robert Gulla - Chair, Linda Charpentier, John Feener, Helene Shaw-Kwasie

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

Chairman Gulla opened the meeting at 7:02 PM

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

- 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 two previous concerns reported by the DEP, which have since been rectified. The proposed propane tank has been reduced in size, and orientation adjusted. The proposed 3½ foot breakaway wall will now rest on a 4-inch concrete slab and will be footing free. A structural engineer has signed off the proposed wall plan.

Mr. Goodenow noted the Conditions previously requested by the Commission had been incorporated into the construction notes.

**Motion** to approve the project at **8 Pebble Path MassDEP #28-2402** made by Ms. Charpentier, seconded by Mr. Feener, approved unanimously.

**Discussion:** Applicant will submit the names of the engineers monitoring the project to the Agent prior to construction.

- B) **Minor Modification: 100 Eastern Ave MassDEP #28-2382 (Previously Approved)** Addition: Modification to drainage structures.

Mr. Whittaker reviewed the previously approved Application for a veterinarian's office. Comments were then received from the DEP regarding the need for a stormwater management plan due to the building

being commercial, therefore resulting in the need for a Modification to the proposed plan.

**Presenter:** Nicki Bach – 10 Folly Point Road, Gloucester, MA

Ms. Bach stated the proposed plan has been updated upon receiving comments from the DEP. Over 650 square feet of impervious area has been removed from the site.

Mr. Feener requested, after impervious area is removed, that the substructure be tested to prove it is pervious.

Ms. Bach noted the Applicant would be returning the impervious area to grass as it is addressed in a filed Storm Water Management report.

Mr. Gulla questioned where water discharges would be going per the updated plan, if there would be water shedding near or adjacent to the Wetland. He requested, if there would be gutters or leaders close to the wetland, that the Applicant install a spreader at the base to reduce water velocity.

Mr. Whittaker noted the main difference to the updated plan was the absence of a rain garden near the wetland. He noted the positives of reducing the impervious area on the site, the small space, and that there is little possibility for a serious run-off problem.

Members of the Commission reviewed the changes to mitigation. Ms. Bach noted the impervious area was reduced enough that there would be no cause for mitigation.

Mr. Gulla noted the mitigation's intention was not just for impervious/pervious area, but also for creating a buffer between people/animals and the resource.

Mr. Feener requested the Applicant plant an area of shrubs along the fence between the site and the resource to filter any potential impacts.

**Condition:**

1. Applicant will make an effort to protect the resource by planting shrubs along fence near the adjacent pond area.

The Conservation Commission **approved** the Minor Modification for the project at **100 Eastern Ave MassDEP #28-2382**.

**II. PUBLIC COMMENT: None**

### III. MINUTES REVIEW:

**Motion** to approve the Meeting Minutes from **July 15, 2015** made by Ms. Shaw-Kwasie, seconded by Ms. Charpentier, approved unanimously.

Consideration of the draft minutes from the meeting of **August 5, 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).

**Presenter:** Frederick Geisel, Civil engineer, Geisel Engineering – 15 Steep Hill Drive, Gloucester, MA

Mr. Geisel reviewed the Application to replace a swimming pool in the same footprint as an existing pool and reconstruct a retaining wall. He noted the proposed plan was on its way to approval when the Application last came before the commission. The Commission requested benchmarks be put on the property regarding proposed wall height and the existing wall height. Also, the Applicant experienced delays in reaching an agreement with an abutter to use their property as construction staging.

Mr. Whittaker reviewed and reiterated Conditions set by the Commission when the Application was previously reviewed on April 1, 2015.

Mr. Gulla questioned if there were any comments received from the DEP. Mr. Geisel noted there were no comments from the DEP.

**Public Comment:** None

**Motion** to approve the project at **59 Riverview Road MassDEP #28-2386** with the aforementioned conditions made by Mr. Feener, seconded by Ms. Shaw-Kwasie, approved unanimously.

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

**Motion** to continue the **Amendment of NOI: 161 Thatcher Road MassDEP #28-1940** to September 16, 2015 made by Ms. Shaw-Kwasie, seconded by Ms. Charpentier, approved unanimously.

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

**Presenter:** Peter Bent - 1 Leonard Street, Gloucester, MA

Mr. Bent reviewed the Application to pour a concrete wall and footing with the intention of putting up a building for the purpose of repair work. Mr. Bent noted he previously met with the Building Inspector who counseled him to seek approval of the footing section of the proposed plan before moving forward. He stated the building would be 35ft by 40ft and be built over a paved parking lot.

Mr. Gulla discussed concerns with storm water run-off management and contaminants running into the resource with the Applicant.

Mr. Bent noted that he is required to test water run-off quarterly due to EPA law.

Mr. Feener noted the Commission's intention to prevent the resource from further impact and/or contaminant.

Mr. Whittaker noted the difference between roof run-off contaminant and pavement run-off contaminant.

Mr. Gulla noted the possibility of a building causing greater volumes of water to push contaminants into the resource that may not have been pushed before.

Mr. Gulla stated the Commission would need to understand the storm water management plan before approval of a building. He noted an exact plan must be filed.

**Motion** for a negative determination for the project at **139R East Main Street #RDA1453, consisting only of excavation of the proposed trench**, made by Mr. Feener, seconded by Ms. Charpentier, approved unanimously.

**D) Continued NOI: 102 Hesperus Avenue MassDEP #28-2404:** Submitted by Erich and Jennifer Budenhagen to construct a detached garage and expand septic (Map 192 Lot 20).

**Motion** to continue the project at **102 Hesperus Avenue MassDEP #28-2404** to September 2, 2015 made by Ms. Charpentier, seconded by Mr. Feener, approved unanimously.

**E) Continued NOI: 15 Totten Lane MassDEP #28-2405:** Submitted by Chris Petersen to install a residential dock, ramp, floats and repair existing steps (Map 252 Lot 4).

**Presenter:** Isaac Rowe – Mill River Consulting, 6 Sargent Street, Gloucester, MA

Mr. Rowe reviewed the Application to install a seasonal ramp, dock, and float. He noted the property was before the Commission a few years ago to amend an existing Order of Conditions for work done on the septic system just above the ACEC.

Mr. Rowe pointed out to the Commission where the proposed seasonal structures would be located on a filed map. He noted the ramp would be attached to an existing ledge outcrop, the walkway would be built over the existing marsh, and the float would sit on a sandy substrate least conducive to shellfish habitat in the area during low tide. He stated meetings had occurred with the Shellfish Constable, the Harbormaster and the Waterways Board and they supported the proposed locations.

Mr. Rowe pointed out the sensitivity of the area and noted the intention of using the existing features to access the water. He noted there would be no anchoring of the platform and that at the end of each season all components of the proposed system would be removed and stored off-site.

Mr. Whittaker noted the ACEC on the site and that the structures would not be permitted if they were permanent.

Mr. Feener questioned Mr. Rowe about what was left of the existing pier in the resource. Mr. Rowe replied there were 5 or 6 cedar piers.

**Public Comment:**

Andrew Wainwright – 25 Jebeka Lane, Gloucester, MA

Mr. Wainwright stated he approves of the project. He noted a low mud line on the proposed project's plans and stated approval of the Application should not constitute approval of property lines indicated on Applicant's map.

**Condition:**

1. The Shellfish Constable's comments will be adopted into the Order of Conditions

**Motion** to approve the project at **15 Totten Lane MassDEP #28-2405** with the aforementioned condition made by Mr. Feener, seconded by Ms. Shaw-Kwasie, approved unanimously.

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

**F) New NOI: 4 Pebble Path MassDEP #28-.....:** Submitted by Melissa Sallah to tear down and replace a two story home. (Map 261, Lot 13).

**Presenter:** Bruce McFarlane - 67 Pine Tree Drive, South Hamilton, MA

Mr. McFarlane, the Applicant's general contractor, reviewed the Application to tear down the existing single story home and construct a two-story home on pilings in the same footprint. He noted a structural engineer is working on the plans.

Mr. Gulla requested, because he noticed a lot of concrete in the proposed plans, that an engineer stamp their approval of the foundation. He noted the Application might get push back from the DEP.

Mr. McFarlane noted there were two ways of footing construction recommended by the engineer, of which both the engineer and the Building Department stated their approval. He stated the Applicant would have no problem with constructing solely with pilings if need be.

Mr. Gulla discussed digging trenches on the site and how it would affect the vegetation on site.

Mr. McFarlane stated that because the vegetation around the house would most likely be destroyed, they are proposing significant mitigation.

Mr. Whittaker noted there is a heavily planted courtyard next to house toward 8 Pebble Path that warrants concern.

Mr. Feener requested the Applicant transfer plants from directly around the house to fill the voids in the yard and act as erosion control. After construction, the plants may be transplanted back. This would also help to lower the mitigation needed. He requested an inventory of said plants to be filed and to expect a 20% mortality rate. Mr. Whittaker requested the Applicant file a planting plan.

Mr. Gulla noted trucking sand off-site to avoid stockpiling of sand during excavation and construction.

Mr. Feener requested a structural engineer submit a plan for excavation.

The Commission discussed a continuance for the Agent to create an Order of Conditions and to await DEP comments.

**Public Comment:** None

**Motion** to continue the project at **4 Pebble Path MASSDep #28-....** to September 2, 2015 by Ms. Shaw-Kwasie, seconded by Ms. Charpentier, approved unanimously.

**G) New RDA: 17 Landing Road #RDA1457:** Submitted by Joseph Palazola to install a new sewage disposal system (Map 229, Lot 47).

**Presenter:** John Judd – Gateway Consultants, 33 Forest Hill Ave, Lynnfield, MA

Mr. Judd reviewed the Application to replace a failed sewer system with a new Board of Health approved sewer system in the same location. He noted the 4-acre lot is located on coastal bank, with the proposed work located 80 feet from the resource. Mr. Judd stated erosion controls would be placed around the perimeter of the construction area.

Mr. Feener requested any soil compaction due to construction machines be minimized and the soil to be aerated if need be.

**Public Comment:** None

**Condition:**

1. Any soil compaction due to heavy equipment will be remedied at the end of construction.
2. Erosion control will be implemented and spill kits will be on-site.

**Motion** for a negative determination for the project at **17 Landing Road #RDA1457** with the aforementioned conditions made by Mr. Feener, seconded by Ms. Charpentier, approved unanimously.

**H) New NOI: 76 & 78 Hesperus Avenue MassDEP #28-....:** Submitted by Jean and William Belissimo to make house renovations and rebuild terrace and stairs (Map 191, Lots 50 and 51).

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

Mr. Manuel reviewed the application to rebuild an underground vault in disrepair that has become a safety hazard, as well as demolish and rebuild a cut stone staircase leading down to an ocean overlook. He noted the proposed work for the vault would be located in the buffer zone to the coastal bank and the proposed work for the stairs is in the coastal bank due to the flood elevations being recently changed.

Mr. Manuel stated the stairs would not be changed, but would be re-

pointed by hand in the existing footprint. He stated the underground vault would be demolished and would be rebuilt with concrete walls covered with stone veneers and an expanded terrace.

Mr. Manuel noted that for required equipment to access the vault site an access road would have to be cleared through the adjacent lot, behind the adjacent parking lot for Hammond Castle. The road would also involve clearing and filling within the buffer zone to the coastal bank. He noted the owners also intend to expand their existing lawn into the adjacent lot, after shrub removal and grading, and would install a rain garden in the "former" vault access road at project completion to mitigate for the expanded terrace.

Mr. Gulla requested a planting plan for the proposed rain garden be filed.

Mr. Feener mentioned that the design for the the access road should consider future use without disturbing the surrounding area.

Mr. Manuel mentioned a possible continuance to allow for filing of a drainage plan as well as an Order of Conditions.

Mr. Feener requested that while re-pointing the stairs any staging/mixing of materials would take place outside of the buffer zone. He also requested any debris created during excavation of the vault be removed daily.

**Public Comment:** None

**Motion** to continue the project at **76 & 78 Hesperus Avenue MassDEP #28-....** to September 2, 2015 made by Ms. Shaw-Kwasie, seconded by Ms. Charpentier, approved unanimously.

- I) New RDA: 95 Riverview Road #RDA 1454:** Submitted by John Adam to replace gangway and repair floats (Map 93 Lot 3).

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

Mr. Gulla noted the Application had received very favorable comments from the Shellfish Constable.

Mr. Manuel reviewed the Application to replace the existing gangway and float, on the property since the 1980s. He stated 7 years ago the site received a negative determination to build a 40-foot pier, gangway, and floats with standoffs. The permit has been re-issued and the Chapter 91 license has been revised, but the negative determination has expired. Mr. Manuel stated after meeting with the Harbormaster and the shellfish

constable, it was determined that the site is not conducive to constructing a pier. These authorities recommended replacing the gangway with a new arching gangway, which would cause the new floats to rest 30 inches higher, off of the mud, and counteracting any possible shadowing. Mr. Manuel noted the intention of getting rid of the existing rope and chain which drag along the tidal area and installing helical anchors.

**Public Comment:** None

**Condition:**

1. Any conditions included in the original negative determination will apply

**Motion** for a negative determination for the project at **95 Riverview Road #RDA 1454** made by Ms. Charpentier, seconded by Ms. Shaw-Kwasie, approved unanimously.

**J) New NOI: 722 Washington Street MassDEP #28-2407:** Submitted by Chandler Pearce to repair pilings under gangway to float (Map 116 Lot 9).

**Presenter:** Chandler Pearce - 722 Washington Street, Gloucester, MA

Mr. Pearce reviewed the Application to repair four ice-damaged concrete and stone pilings under a gangway in the same footprint.

Mr. Feener questioned the construction sequence, asking if additional rebar and support would be added to the existing piles causing debris that may fall into the resource area. He requested a tarp, or another measure, be used to prevent this. Concrete is to be pumped to the site from the driveway on the shoreland side of the house.

Mr. Gulla requested the proposed plans be approved and stamped by a licensed engineer to ensure structured stability of the repaired structure

**Public Comment:** None

**Conditions:**

1. Construction will be tide conscious. Any barge used will not be allowed to ground out.
2. Applicant will submit a construction plan to mitigate debris from entering the resource.
3. Plans will be approved by a licensed structural engineer.

**Motion** to approve the project at **722 Washington Street MassDEP #28-....** with the aforementioned conditions made by Ms. Charpentier, seconded by Mr. Feener, approved unanimously.

**Discussion:** If the structural engineer returns revised plans, the Applicant will come back before the Commission.

- K) New RDA: 45 Witham Street #RDA1455:** Submitted by William Normand to remove invasive vegetation, install sewer and fill in pool (Map 16, Lot 43).

**Presenter:** William Normand - 45 Witham Street, Gloucester, MA

Mr. Normand reviewed the Application to remove invasive, overgrown vegetation in the rear yard and fill in an existing swimming pool.

Mr. Whittaker noted most of the proposed work is located on the outer edge of the wetland and located in an existing backyard area that has gotten badly overgrown.

Mr. Normand stated his intention is to restore the backyard. The 18-year old inground pool had been mandated by the city to be filled in. He proposed making holes in the bottom of the pool for drainage and filling the pool with appropriate fill. He noted one already dead tree would be removed prior to the septic installation.

Mr. Gulla stated his concern with the invasive vegetation removal part of the project. He noted there was not enough information outlining procedure for removal as it can prove to be very difficult. There was also not enough information delineating a beginning and ending line of removal.

Mr. Feener mentioned resources available to the Applicant in regard to invasive removal and to contact the Agent.

**Public Comment:** None

**Motion** for a negative determination to install the sewer line and fill in the existing pool and NOT to remove invasive vegetation at **45 Witham Street #RDA1455** made by Ms. Charpentier, seconded by Mr. Feener, approved unanimously.

- L) New RDA: 10A to 23 Concord Street #RDA1456:** Submitted by Cape Ann Savings Bank to install a sewer (Map 229, Lots 16-19, 21 and 85).

**Presenter:** John Judd – Gateway Consultants, 33 Forest Hill Ave, Lynnfield, MA  
Michael Faherty - Attorney - 111 Main Street, Gloucester, MA representing Cape Ann Savings Bank

Mr. Judd reviewed the Application for a collective effort to replace failed septic systems on Concord Street. He noted the Gloucester DPW would

install the new systems, which would be 2-inch diameter low-pressure sewer lines 4 feet deep in Concord Street. The connections to homes would be placed under existing driveways constituting no removal of vegetation. Mr. Judd noted erosion control would be placed along the road.

**Public Comment:** None

**Condition:**

1. If during construction, there is existing vegetation to be removed, the Applicant will contact the Agent.
2. No piles of dirt or open holes may be left on site.

**Motion** for a negative determination for the project at **10A to 23 Concord Street #RDA1456** made by Mr. Feener, seconded by Ms. Charpentier, approved unanimously.

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

- **Massachusetts Highway: Invasive Vegetation Removal Program**

Mr. Whittaker stated there are five stretches of Massachusetts Highway intended for removal of Japanese Knotweed. Two of the areas are close to Wetlands.

Mr. Whittaker will forward detailed information to the Commission.

**V. AGENT'S REPORT ON VIOLATIONS:** None

**VIII. CERTIFICATES OF COMPLIANCE**

- **19 Salt Island Road** –signatures needed
- **27 Beach Road** – signatures needed
- **31 Niles Pond Road** – signatures needed
- **11 Castleview Heights**
- **17 Norwood Heights**

**Motion** to approve the Certificates of Compliance for **11 Castleview Heights** and **17 Norwood Heights** made by Ms. Charpentier, seconded by Ms. Shaw-Kwasie, approved unanimously.

There being no further business the Chair adjourned the meeting at 9:26 PM

