

CITY OF GLOUCESTER

CONSERVATION COMMISSION

MINUTES

WEDNESDAY September 2, 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, Helene Shaw-Kwasie

Staff Present: Ken Whittaker - Agent

Chairman Gulla opened the meeting at 7:00 PM

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

I. ADMINISTRATIVE BRIEFING

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

A. NOI: 13 Rogers Street (2 Commercial Street) #28-2409 (Map 7, Lot 16) –

Submitted by City of Gloucester for maintenance/repair plan for pilings supporting wharves, piers, docks and floats at Inner Harbor.

Presenter: Jim Caulkett, Gloucester Harbormaster, 19 Harbor Loop, Gloucester

Mr. Caulkett stated that this NOI submitted is similar to one submitted five years ago, with successful permitting for pilings for property owners. Seven to eight people utilized the project, with no abuses. They recently sat with DEP requesting increasing the annual limit to 50 piles. Property owners were supportive, and DEP agreed that they could move forward.

Mr. Gulla inquired as to protocol, i.e. notification to agent, when this takes place.

Mr. Caulkett assured that all interested parties will contact the Agent and hold a site visit. Mr. Whittaker will provide a letter and property owners will get plaques from Mr. Caulkett with DEP number. Individual permittees will need to file appropriate fees with the City of Gloucester but not with MassDEP.

Mr. Gulla clarified that this project was an increase in piling maintenance in inner harbor from 10 to 50 per owner.

Mr. Whittaker mentioned that he received comment back from Department of Marine Fisheries (“DMF”). They approved but suggested this work be supervised

and done sequentially rather than have everyone doing it at the same time to minimize inner harbor impact.

Mr. Gulla asked if this was a vote to change or amend the Notice of Intent.

Mr. Whittaker clarified that this project was a new Notice of Intent, not an amendment.

Public comment

Viking Gustafson, Gloucester Marine Railways, Gloucester, MA

Ms. Gustafson, speaking on behalf of Marine Railways and Marine Industrial Properties Association, strongly supported the initiative.

Motion to approve the project at 13 Rogers Street (2 Commercial Street) was made by Ms. Jackson, seconded by Ms. Charpentier, approved unanimously.

B. RDA 1461: Shore Road– Submitted by City of Gloucester to install benches in buffer zone along Shore Road.

Presenter: Kenneth Whittaker, Conservation Agent

Speaking for the City, Mr. Whittaker explained the petition to replace three with four benches along Magnolia's Shore Road, noting that this area is within conservation jurisdiction, that it is an open grassy area enjoyed by the public. He highly recommended approval, adding that the benches would be fortified with concrete supports for security.

Motion for a negative determination for the project at Shore Road made by Ms. Jackson, seconded by Motion by Ms. Charpentier.

C. MassDOT – discussion of proposed pesticide spraying program for Japanese Knotweed removal along roadways, with focus on spraying in resource adjacent to wetlands

Presenter:

Sandy Sprague, Mass Department of Transportation ("DOT"), 519 Appleton Street, Arlington

Ms. Sprague stated that the DOT property in question is located at 12 Neptune Place along 128. The ditch needs to be cleared of debris and sediment to allow freer flow of water, and the Agent has suggested removal of knotweed in the area as a possibly convenient part of the overall project.

Mr. Gulla inquired if this issue was related to a neighbor's complaint in June before the Commission about flooding on his property and this was confirmed.

After discussion, he suggested that they focus on procedure, as the area involved had been properly identified.

Ms. Sprague noted that they presented to town earlier this summer and were asked to spray section on their right of way before doing work

Mr. Whittaker noted that he inspected and met with DOT several weeks and discussed roadways in 4 or 5 sections around town where they wanted to spray for Knotweed.

Ms. Sprague stated that their original plan was to spray more, but the agency must wait for statewide DOT program and elaborated on their procedures. Since they need to clean this ditch, they will use chemical similar to Roundup in a controlled environment with backpack spray with wand – they agreed to stay outside tree area and outside driplines, won't allow leaching into waterways, will only spray area impacted and ensure erosion controls for sediment during ditch work.

Mr. Gulla admitted this would be a short term solution, wouldn't be possible to get all the Knotweed and that the invasive issue is daunting, with no plan to mitigate.

Mr. Whittaker showed photos illustrating extent of vegetation and explained that use of equipment would not be an issue due to the state of hillside and reseeding plan.

Mr. Gulla confirmed with Ms. Sprague that this was an informational meeting and not a situation for a vote by the Commission.

Ms. Sprague- mentioned that construction would begin in October after Knotweed die off.

Mr. Gulla cautioned that DOT notify Mr. Whittaker and the neighbor day before spraying begins September 14th.

Mr. Whittaker announced that he wished to discuss **RDA: 139R East Main Street #RDA1453**: submitted by Peter Bent, previously discussed but not on the Agenda:

Mr. Whittaker reviewed the proposed excavation of a concrete wall and construction of building in waterfront area at 139 E. Main Street. He had spoken with applicant Peter Bent and felt the conversation at the last meeting was not left in a helpful place. Since Mr. Bent has remained concerned about addressing Conservation Commission issues regarding drainage associated with building, he suggested it would be helpful for him to appear tonight for guidance regarding the trench and whether a new RDA or modification of current RDA would be appropriate.

At this time, Mr. Gulla suggested that it was appropriate that the attendees of the meeting be provided a list of continuations:

161 Thatcher Road
76-78 Hesperus Avenue
45 Witham Street
12 Samuel Riggs Circle
ANRAD– 30, 48, 50 Atlantic Avenue

Presenter: Peter Bent, 139 E Main Street, Gloucester

Mr. Gulla noted that the Commission previously approved the footing and foundation wall and asked Mr. Bent if he now wanted to enhance the proposal slightly so that he could put structure on top. Mr. Bent affirmed and Mr. Gulla asked what he was proposing to help take care of the runoff.

Mr. Bent illustrated that two sides of the proposed structure are existing and that all that all he was building was on level ground. He showed drainage coming down on a slope from the street onto the property and stated that there was no chance to do any drainage control from the roof. He plans to excavate and put gravel in on side of the new trench to take care of excess runoff caused by the building being put on top of the existing asphalt on ground.

Mr. Bent explained that only half the roof would shed water towards the trench because of the pitch. He explained that since it was asphalt, the same amount of runoff, regardless of whether it has a roof or not would occur and that side having a gravel base will actually improve drainage in that area of property.

Mr. Gulla clarified that Mr. Bent would be looking for a minor modification for this RDA to allow structure on top with proposed drainage plan.

Mr. Whittaker asked if the gravel was 3 foot wide and Mr. Bent replied it was 34”.

Mr. Gulla asked how deep the trench would be. Mr. Bent replied that it would be as deep as the footings.

Mr. Gulla stipulated that the trench be no less than one foot, and Mr. Bent agreed.

Motion for approval of minor modification for current **RDA # 1453 for 139 E. Main Street**, with the aforesaid stipulation, seconded by Ms. Charpentier, approved unanimously.

II. PUBLIC COMMENT

None

III. MINUTES REVIEW AND APPROVAL

Motion to approve the Meeting Minutes from August 5, 2015 made by Ms. Shaw-Kwasie, seconded by Ms. Jackson.

Approved.

Consideration of the August 19, 2015 minutes was deferred until the next meeting.

IV. Block 1: Continued Projects

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

Motion to continue the Request for Amendment of NOI: 161 Thatcher Road#28-1940 (Map 178 Lot 60) to the September 16, 2015 meeting made by Ms. Charpentier, seconded by Ms. Shaw-Kwasie. Ms. Jackson abstained. Approved.

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

Presenter: Mike Novak – Meridian Associates, 500 Cummings Center, Beverly, MA

Responding to inquiry from Mr. Novak, there was Committee discussion and it was deemed that it was appropriate to go forward with this project with members present and that material would be available to Mr. Feener, who was not present at the site walk, to review, if need be.

Mr. Novak stated that with information presented tonight based on comments made at the previous meeting, he was not necessary looking for approval tonight but rather looking for agreement on the alternatives analysis and with that to move forward with presentation of the Notice of Intent. Mr. Gulla consented.

Mr. Novak noted that he, Tyler Ferrick from DeRosa Environmental and owner Erich Budenhagen met with Committee, had site walk, focused on alternate analysis and looked into alternate location. Mr. Novak offered present two plans: 1) original alternative analysis and 2) alternate location. Mr. Perry planned to speak about mitigation.

Mr. Novak identified in detail the site in question for the 3 car garage and septic system, including shared circular private drive, resource area, zoning setbacks for structures, extending apron of driveway, filtration system, proposed guest room proposed in garage and proposal to moving garage NNE to make less

impact on resource area. He also mentioned that the original plan was to remove 22 trees 6" or greater, new plan to remove 23 trees.

Mr. Whittaker noted that one tree listed among the count is dead.

Mr. Novak stated that this proposal will have 500 sq. ft. +- greater impact with this scenario vs. original location.

Mr. Gulla requested clarification of the disturbance.

Mr. Novak stated that the disturbance during work would be a result of driveway's larger radius

Mr. Gulla clarified that it would be a temporary disturbance.

Mr. Novak illustrated the construction area with the new location. He also mentioned that the Applicant had spoken to direct neighbors, particularly those that share the driveway, and they were not happy with the garage in this location and preferred the original location. He then suggested proposing his mitigation plan.

Mr. Gulla thought it was not the time to consider mitigation, but agreed to allow ideas only, no plans.

Presenter: Tyler Perry, DeRosa Environmental, 167 Main Street, Rowley MA

Mr. Gulla clarified that Mr. Perry wished to speak about potential mitigation.

Mr. Perry described the original design and placement (lay of land), lawn area is off driveway and drops off 4-5 feet, what can be preserved in successful canopy and have least impact going forward, noted good vegetation witch hazel and viburnum. Applicant offered to transplant affected plants to 100 foot riverfront area, proposed additional plantings to improve conditions, use grass clippings pile as compost, and place wetland restriction area plaques and stones on riverfront area boundary to reduce impact in area.

Mr. Perry stressed that this location has good access for equipment. He also noted the oak trees are stressed along driveway, so moving equipment in here may have little net impact. He suggested that moving the garage to the alternative location would impact the canopy. Shifting out would be less impactful to the 100 ft. BVW area. The applicant will propose mitigation planting, but will need to figure out lay of land and where to put footprint in order to do mitigation.

Mr. Gulla noted that he had not gone on the site visit but gathered from Mr. Novak that the alternative seems to be no less impactful or near net zero.

Presenter: Eric Budenhagen, 102 Hesperus Avenue, Gloucester

Mr. Budenhagen stated that he wouldn't build the garage if limited to the alternative location since he shares the driveway with neighbors and friends. He stressed that he needed the new garage, but would choose not to do the revised project if neighbors don't approve.

Mr. Whittaker stated there is a lot of impact no matter what position, noting the tree removal. He wanted to know if the Commission thought about off-site mitigation for a project such as this.

Mr. Gulla noted that they used to but it became difficult, unless applicant put something concrete in place, mentioned that other plans, i.e. planting city trees, education program, previously failed. He stated it can happen, but difficult, must be concrete and in place.

There was Commission discussion about the site, adequate size of the property for mitigation (2½ acres) and why implement an alternative plan if there would not be significant benefit.

Mr. Gulla stated that from what he could see, there was net zero change for shifting the location as it stands, leaving it where it does not have much impact one way or another. He suggested that the Commission not vote on project itself, but to vote on the alternatives analysis.

Motion to approve the analysis as proposed for the project at 102 Hesperus Avenue # 28-2404 made by Ms. Shaw-Kwasie, seconded by Ms. Charpentier.

Approved unanimously.

Mr. Gulla stated that they move on to project and mitigation discussion.

Mr. Novak stated that he was not prepared go on with a paper plan for mitigation.

Mr. Gulla suggested that he prepare ideas to be presented in proposal for next meeting, that he is concerned with canopy understory restoration and associated mortality rates and that the Commission would like it to succeed.

Mr. Novak proposed 10% overplant to mitigate loss to be monitored for a year or two.

Mr. Gulla suggested that they were very close to resource areas; he wanted more than two demarcations – granite piers or boulders.

Mr. Gulla told Mr. Novak to come up with nice planting plan and mitigation plan on the September 16, 2015 meeting.

Motion to continue the project at 102 Hesperus Avenue # 28-2404 to the September 16, 2015 meeting made by Ms. Charpentier, seconded by Ms. Shaw-Kwasie. Ms. Jackson abstained.

Approved unanimously.

C. NOI: 4 Pebble Path #28 (Map 261, Lot 13) – Submitted by Melissa Sallah to tear down and replace a 2-story home. Discussion of proposed requirements for Order of Conditions

Presenter: Bruce McFarland, McFarland Construction, 67Pine Tree Drive, S. Hamilton, MA

Mr. McFarland stated that they are coming back to respond to list of conditions that Commission sent them, agreed that the conditions are all fine with no objection to anything on the list. He then discussed the planting plan with a focus on maintaining and keeping plants on site through transplantation.

Mr. Gulla insisted that there be monitoring, and Mr. Whittaker said plans for mortality and monitoring during construction were in place.

Mr. Gulla referenced in the past having to reissue orders of conditions due to contractors going beyond their property lines, in some cases devastating vegetation on site. He cautioned Mr. McFarland to tell his subcontractors to heed the warning, that the barrier beach has limited life expectancy, and the more this area is kept vegetated, the better for all.

Motion to approve the project at **4 Pebble Path** made by Ms. Charpentier, seconded by Ms. Shaw-Kwasie with discussion. Ms. Jackson abstained.

Approved unanimously

D. NOI: 76 and 78 Hesperus Avenue #28..... (Map 191, Lots 50 and 51) – Submitted by Jean and William Bellissimo to make house renovations and rebuild terrace and stairs.

Motion to continue the project at **76 and 78 Hesperus Avenue** 2404 to the September 16, 2015 meeting made by Ms. Charpentier, seconded by Ms. Shaw-Kwasie. Ms. Jackson abstained.

Approved unanimously

E. RDA 1455: 45 Witham Street (Map 16, Lot 43) – Submitted by William Normand to remove invasive vegetation

Mr. Gulla noted that the Commission had already approved sewer and pool removal and that tonight's vote would be on vegetation removal.

Mr. Whittaker noted that he was working with Mr. Normand with removal plan. He allowed certain amount of impact on site for equipment back to pool until he comes up with vegetation plan.

Mr. Gulla cautioned for the need to put limits on where this person can go.

Mr. Whittaker consented.

V. Block II: New Projects

D. RDA 1458: 30 Atlantic Road #28 (Map 68, Lot 26) – Submitted by Paul Krueger to demolish and reconstruct home in wetland buffer zone.

Presenter: Paul Krueger 33 Darling Way, Stoughton, MA

Mr. Krueger explained that he plans to remove the existing house, which is not in great shape, and replace with his smaller retirement home within the same footprint. He noted that he was working with a surveyor and engineer.

Speaking for the plan was Jay Jarosz (?), 3 Mill Street, Manchester, MA

Mr. Jarosz stated that he has discussed drainage with the City Engineer and that there is a retaining wall surrounding the property that is higher than the surrounding property. As a result, the retaining wall will protect the grassy area with small impact on any resource area.

Mr. Gulla wanted verification that stormwater management was in buffer, but all else outside, and Mr. Jarosz confirmed.

Mr. Whittaker stated that the wetland not delineated, but that the area was approximately delineated by topography – a very narrow wetland . He was confident that the work structures would be approximately outside the 100 ft. zone.

Mr. Gulla noted the slight encroachment by the existing wall, and Jay reiterated that the existing wall was higher than grass. Mr. Gulla stated that he didn't see any problem with that unless there are huge trees were being removed.

Mr. Whittaker stated that there were no trees, just unmaintained field .

Mr. Gulla noted that demolition be per the stormwater management plan required by town. He saw no issues, since it was earthworks only.

Motion for negative determination for the project at **RDA 1458: 30 Atlantic** moved by Ms. Charpentier, seconded by Ms. Jackson

Approved.

E. NOI: 12 Samuel Riggs Circle #28...(Map 112, Lot 20) – Submitted by Richard Cella to replace floats, ramp, and gangway.

Motion to continue the project at **12 Samuel Riggs Circle** 2404 to the September 16, 2015 meeting moved by Ms. Charpentier, seconded by Ms. Jackson

Approved unanimously.

F. RDA 1459: Essex Avenue at corner of Magnolia Avenue – Submitted by Massachusetts Electric Company to install underground electrical manhole and conduit.

Amanda Neville (?), Coneco Engineers & Scientists, 227 Chelmsford Street, Chelmsford, MA

Ms. Neville explained the project by Mass. Electric to install app. 100 linear feet of conduit in the paved roadway. The only cement used would be for the manhole. She stressed that gravel will be put in the bottom of the 9 foot deep hole, and they will reuse as much soil as possible to backfill the hole, using dump trucks on site to keep the soil off the road, avoiding runoff. Erosion control will be put on both sides of the street.

Mr. Gulla noted that his project was straightforward, directly in the road, but asked if siltation control would be used. Ms. Neville said yes.

Mr. Gulla suggested to Ms. Neville that if anything changed, she would need to contact Mr. Whittaker.

Mr. Whittaker expressed concern about dirt going down road and would be impossible to remove, and would it be possible to take extra soil and put tarp down.

Ms. Neville agreed and stated that the excavated soil would go directly into truck, not in road.

Mr. Gulla didn't want soil on the street in case of rain. Ms. Neville said they would clean up everything.

Mr. Gulla was comfortable that it was simply cut and fill, but asked Mr. Whittaker if the project needed to go by planning board because of its close location to the

Little River Fish Ladder Restoration Project. Mr. Whittaker said he would coordinate with them.

Motion for a negative determination with aforementioned conditions for the **RDA 1459: Essex Avenue at corner of Magnolia Avenue** moved by Ms. Jackson, seconded by Ms. Charpentier.

Approved unanimously.

G. NOI: 47 Norwood Heights #28....(Map 181, Lot 1) – Submitted by Jeffrey Murphy Of 801 Realty Trust to demolish a single family home and maintain as landscaped area.

Presenter: Jeff Murphy, 39 Norwood Heights, Gloucester

Mr. Murphy stated that three abutting neighbors have purchased the property in real estate trust to demolish and plant grassy area for privacy and views.

Mr. Whittaker showed pictures of the house.

Mr. Whittaker stated that the structure is coming down, the driveway is coming up . The larger goal is to maintain as lawn and landscaped area.

Mr. Gulla cautioned Mr. Murphy that should they want to do something later, they must come to the Commission. Mr. Murphy understood.

Mr. Whittaker also noted that members of trust have imposed a permanent view restriction on this property.

Mr. Gulla noted that those are rare.

No public comment.

Motion to approve the project at **47 Norwood Heights** moved by Ms. Charpentier, seconded by Ms. Shaw-Kwasie.

Approved unanimously.

H. RDA 1460: 55 Wingersheek Road (Map 258, Lot 8) – Submitted by Elisabeth Bayle to construct new septic system in wetland buffer zone.

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

Mr. Judd stated that the replacement sewage disposal system as shown on the plan has been approved by health department and is across street from resource

area separated by a natural sand berm between BVW on the other side of the street. The existing system is to be replaced by an advanced system to be brought into compliance with Title 5. Mr. Judd illustrated the location of buffer zone and garage, tank location and leaching pit. He stated that they are putting in a new tank, relocating the water line and central pipe system, with temporary erosion control line on edge of road.

Mr. Gulla asked if the current system is not on the property.

Mr. Judd stated that the existing system straddles the lot.

Mr. Gulla asked about the vegetation.

Mr. Judd elaborated on types of grass planting and suggested planting native American dune grass as soon as possible to provide stability to the site.

Comments

None

Motion for a negative determination for the **RDA 1460: 55 Wingersheek** moved by Ms. Charpentier, seconded by Ms. Jackson. Approved unanimously.

I. ANRAD: 30, 48 and 50 Atlantic Avenue #28.....(Map 257, Lots 167, 202 and 201)– Submitted by Francis Goodhue for Abbreviated Notice of Resource Area, coastal wetland

Motion to continue the project at **30, 48 and 50 Atlantic Avenue** to the September 16, 2015 meeting moved by Ms. Charpentier, seconded by Ms. Jackson

Approved unanimously

VI. OTHER COMMISSION BUSINESS

Requests for Letter Permits, Minor Modifications, Extensions, etc.

Causeway Street soil handling

Mr. Whittaker stated that at new school on Concord Street, they have a large pile of dirt, have time constraints and are running out of room to process everything. They are asking to transport dirt from West Parish school site down Concord Street and come in on 71 Concord Street next to Sudbay (old drive-in theatre). Mr. Whittaker stated that walked site twice, and a section of land is in buffer zone. There are 2 old lines of silt fencing. He asked them to replace fencing on the inner area. Mr. Whittaker felt comfortable that spreading the dirt will probably improve site. They plan to mix the soil for use at the school site. Mr. Whittaker asked them to be conscious of dust issues and suggested they file an after-the-

fact RDA. Mr. Whittaker would monitor the project as they move the dirt. He noted that the City is petitioning this as part of the West Parish school project. Demoulos owns the land.

Mr. Gulla explained the history of the property and mentioned the resources in and around the property, culverted, and cautioned that they need to be careful with exposed areas and also add line items in RDA to be sensitive to wetlands under and around the site.

VII. AGENT'S REPORT ON VIOLATIONS

VIII. CERTIFICATES OF COMPLIANCE

Motion to approve the Certificate of Compliance for 29 Ferry Street, 292 Washington Street and 24 Vine Street was made by Ms. Jackson, seconded by Ms. Shaw-Kwasie, approved unanimously.

There being no further business the Chair adjourned the meeting at 8:47.