

**CITY OF GLOUCESTER
CONSERVATION COMMISSION**

MINUTES

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

**Members Present: Robert Gulla, Chair, Ann Jo Jackson, Co-Chair, John Feener, Barry Gradwohl, Linda Charpentier, Helen Kwasié,
Staff: Ken Whittaker-Agent**

Mr. Gulla opened the meeting at 7:00 p.m.

I. Administrative Briefing

1-5 minute review:

Mr. Whittaker informed the commission that there is confusion on a request for a Certificate of Compliance at 6 Wyoma Road. At inspection the removal of invasives was not done and the COC was denied. The owners said that the removal of the invasives were not part of the project.

Kathy and Robert Wilson, 6 Wyoma Road

Ms. Wilson stated that project was approved 4 years ago and understood that the COC was just for the construction part and the phragmites was not part of that.

Mr. Gulla stated that the invasives should be mowed no lower than 6 inches and continued to be maintained.

Mr. Whittaker reported that a hearing was held regarding the Wise Place parking issue. The parking was evaluated and traffic restrictions will be imposed until midnight with room for 3 cars. The proposal needs to be accepted by this Commission. One resident wants parking available from 6:00 a.m – 6:00 p.m.

Mr. Gulla was in favor of allowing 3 cars to park from 7 a.m. to midnight. The original Commission proposal was parking from 6 a.m. -6 p.m. for 2 cars.

Ms. Jackson stated she did not see the increase causing environmental harm.

Mr. Gulla requested that the proposal points be documented and the commission will vote at the next meeting.

Public comment: None

Minutes Review-September 2, 2015

Motion to approve the minutes of September 2, 2015 was made by Ms. Jackson and seconded by Ms. Charpentier; Approved unanimously with Mr. Gradwohl abstaining.

Request for Amendment of NOI: 161 Thatcher Road #28-1940 (Map 178, Lot 60) Submitted by Jack Hyland for construction of a duplex home and landscaping improvements in wetlands buffer zone.

Mr. Whittaker informed the Commission that the primary issue was to discourage foot traffic in certain areas on the site and for the Applicant to propose a landscape plan. Originally, the drainage plan had not been approved by the engineering department, but has since been reviewed and approved.

The Applicant's representative stated that the revised plan has an increase in permeable pavement. There is a 30 square foot reduction from 2972 sf of impervious to 2972 sf. He explained that the driveway will have a gravel turnaround. Additional swales were added and will be planted with a conservation mixture of grasses.

Jack Hyland informed the Commission that Linn Pack will not be used but will be sandy soil and crushed stone.

Mr. Gulla and Mr. Feener requested a more rigorous planting plan to include switch grasses that will help with filtration and for the plan to show pavers with no Linn Pack.

Motion to continue the project at 161 Thatcher Road to October 21, 2015 at 7:05 p.m. was made by Ms. Kwasié and seconded by Ms. Charpentier; Approved unanimously with Ms. Jackson and Mr. Gradwohl abstaining.

NOI: 102 Hesperus Avenue #28-2404 (Map 192 Lot 20) submitted by Erich and Jennifer Buddenhagen to construct a detached garage and expand septic.

Presenter: Tyler Ferrick, DeRosa Environmental

Mr. Ferrick described the revised location of garage, expansion of the septic and proposed mitigation.

Mr. Feener requested that evergreens to be planted near garage with fir trees mixed in. The trees are a key element for wildlife habitat.

Public comment: None

Conditions

- Evergreen installation to be reinstated.

Note: Alternative Analysis was accepted.

Motion to approve the project at 102 Hesperus Avenue was made by Mr. Feener, seconded by Ms. Kwasié; Approved unanimously with Mr. Gradwohl and Ms. Jackson abstaining.

RDA 1455: 39 Witham Street (Map 16 Lot 43) Submitted by William Normand to remove invasive vegetation.

Mr. Whittaker explained that the site is overrun with knotweed and is difficult to get equipment in the back of the property. The pool is now filled. The remaining knotweed to be removed is by the wetland. This part of the removal will incorporate herbicide spraying adjacent to the top of the bank near wetland.

Bill Normand, 39 Witham St

Mr. Normand informed the Commission that the remaining knotweed will be dealt with in the spring.

Once the work is done it will be maintained as a lawn.

Mr. Feener stated that the knotweed is now dormant and to apply the chemicals in the spring. This work must be monitored for 3 years every June.

Public comment: None

Condition:

- Narrative and drawing of completed work- Note on plan to denote where the knotweed roots were disposed
- Treat in spring

Motion for a Negative Determination for the project at 39 Witham Street was made by Ms. Kwasié and seconded by Mr. Feener: Approved unanimously with Mr. Gradwohl abstaining.

ANRAD : 30, 48, & 50 Atlantic Avenue #28- 2413 (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 & 50 Atlantic Avenue was made by Ms. Jackson and seconded by Ms. Charpentier: Approved unanimously

RDA 1462: - 5 & 19 Pond Road submitted by Northshore Scrap Steele LLC for storage and handling of scrap metal/appliances etc. on outer edge of wetlands buffer zone

Presenter: Attorney Patricia Johnstone, 14 Pleasant St. Gloucester

Attorney Johnstone informed the Board that the building is outside the buffer zone. Before any metal is brought onto the site it is drained of all liquids. Work involves only storage of scrap metal and nothing stays on site longer than two weeks. A fence and security camera will be installed on the site.

Mr. Whittaker stated that the nature of activities is on the outside edge and close to the edge of the buffer zone. The slope below the current areas of operations is close to outer edge to buffer zone.

The board discussed the possibility that the stream on site is accurately delineated.

Public comment:

Paul McGeary- 31 Eastern Ave- Ward One Councilor

Councilor McGeary expressed concern of items being left on site when the business is closed.

Conditions:

- No Freon or toxic chemicals can be stored on site
- Sign to be installed and entry to storage or processing area saying “no dumping during closed hours.”
- No expansion outside of indicated area- Permanent marker to be installed showing limits of activity.

Motion for a Negative Determination for the project at 19 Pond Road was made by Mr. Feener and seconded by Ms. Jackson; approved unanimously with Mr. Gradwohl abstaining.

RDA 1469 - 45 Fort Hill Avenue (Map 137, Lot 28) Submitted by Robert Millman to replace a sewage disposal system in wetland buffer zone.

Presenter: John Judd-Gateway Consultants

Mr. Judd informed the Board that the plan has been approved by the Board of Health. The site is 3.4 acres, and the house is surrounded with wetlands and coastal bank. The septic is a raised unit and will be loamed and seeded. Placement of system is largely dictated by extensive ledge on the property.

Public comment: None

Motion for a Negative Determination for the project at 45 Fort Hill Avenue was made by Ms. Charpentier and seconded by Ms. Jackson; approved unanimously.

Amendment to NOI: 36 Thurston Point Road #28-2385 (Map 98 Lot 61) Submitted by Frank Quirk for repair on extended section of seawall.

Presenter: John Judd, Gateway Consultants

Mr. Judd stated that this project was approved back in March. The wall was supposed to be extended into the right of way. The Applicant has worked with his neighbors and has agreed to pull it back to property line. It is a 25 foot extension of sea wall along the shoreline, is 4-5 feet high and planting will be on top of the wall.

Mr. Whittaker informed the Commission that he received a letter from Attorney Ralph Pino at 4:00 that afternoon and did not have time to review it thoroughly. There is still the legal issue of ownership and would ask the commission for more time to review the letter before moving forward.

Mr. Gradwohl stated concern with the boulder placement on the driveway and requested it be indicated on the plans.

Ms. Jackson questioned if the signature sheet represented all people with rights to right of way and if all the direct abutters were represented on the sheet.

Mr. Gulla stated that Mr. Pino must be present at the next meeting.

Public comment: None

Motion to continue the project at 36 Thurston Point Road to October 21, 2015 was made by Ms. Charpentier and seconded by Mr. Gradwohl; Approved Unanimously

NOI:76-78 Hesperus Avenue #28-2408 (Map 191, Lots 50 and 51) Submitted by Jean and William Bellissimo to make house renovation, develop access roadway and rebuild terrace and stairs

Presenter: Bill Manuell, Wetlands and Land Management

Mr. Manuell stated that the final plan needed to be approved with the final approved drainage plan would be incorporated into the Order of Conditions.

Public comment: None

Motion to approve the project at 76-78 Hesperus Ave was made by Ms. Charpentier and seconded by Ms. Kwasié; approved unanimously with Mr. Gradwohl and Ms. Jackson abstaining.

NOI: Shore Road #28-2416 (Map 167, Lot 13) Submitted by The Residences at Shorecliff Condominium to perform vegetation maintenance in the buffer zone.

Presenter: Bill Manuell, Wetlands and Land Management

Mr. Manuell explained to the commission that the condo association hired a landscaper last fall that denuded the site. Since then the area has re-established itself. The submitted plan will be a maintenance plan. There is 95% ground cover. The stumps of cut trees have sprouted. The request is to have the OOC to include maintenance to maintain the vegetation at 5 feet.

Mr. Whittaker stated that the condo association has been very cooperative to repair the site.

The site has reestablished itself. It will be enhanced and improved.

Mr. Feener requested that a long monitoring program be in place to make sure the invasives do not spread and that the management plan be in place before spring.

Public comment: None

Motion to continue the project at Shore Road to November 4th was made by Ms. Kwasié and seconded by Mr. Gradwohl; approved unanimously subject to receipt of maintenance plan for vegetation.

ANRAD: 10 Witham Street #28-2417 (Map 161, Lot 114) Submitted by Vito Giacalone for proposed intermittent stream designation

Presenter: Bill Manuell, Wetlands and Land Management

Mr. Manuell explained that the site holds a Mini storage complex. There is a stream flowing under Witham Street into the marsh and is designated as a perennial stream on the USGS map. Mr. Manuell evaluated the site in 2013 and concluded that it was not flowing or dry for four days in a calendar year. The data was submitted to the Commission.

The Commission discussed the verification process and possible causes for a perennial stream to go dry. The Commission and asked Mr. Whittaker to research and verify drought periods with NOAA and also speak with the DPW to investigate for any possible culvert malfunctions or other obstructions.

Mr. Feener stated he would like to verify where the streams are coming from and of no connectivity.

Public comment: None

Motion to continue the project at 10 Witham Street to October 21, 2015 at 7:05 p.m. was made by Ms. Charpentier and seconded by Mr. Gradwohl; approved unanimously.

RDA 1468: 77 Eastern Point Blvd (Map 136, Lot 9) Submitted by Arunas & Stephanie Martionis to build a deck in wetland buffer zone.

Mr. Martionis stated he would like to build a deck over an existing stone area in the back of the house. It will extend 2 feet beyond and be supported by Sona tubes. A ramp and stairs will be installed.

Public comment: None

Conditions:

- no toxic material to be used
- Dumpster location to be marked on plan. Dumpsters are to be covered when not in active use.

Motion for a Negative Determination for the project at 77 Eastern Point Blvd was made by Mr. Feener and seconded by Ms. Kwasié; approved unanimously

NOI: 436 Washington Street #28-2418 (Map 109, Lot 15) Submitted by Gloucester United Methodist Church to resurface existing gravel parking lot in buffer zone.

Presenter: Bill Kesterson , Methodist Church

Mr. Kesterson informed the Commission that the church parking lot is deteriorated and is a safety hazard and would like to resurface it with permeable material.

Mr. Whittaker stated that it is a gravel parking lot with packed soil and is in riverfront area.

Mr. Feener stated concern that the stones will be get pushed into the riverfront area. He suggested a planting bed for water infiltration and to delineate an area for snow storage.

Mr. Gulla stated that the area is not currently permeable and suggested that the parking lot be paved with a planting bed to help with flow and also give plows a delineated area for plowing. Mr. Gulla asked for a revised plan showing the paved area and for runoff control.

Public comment: None

Motion to continue the project at 436 Washington Street to October 21 for submission of a site planting plan, was made by Ms. Charpentier and seconded by Mr. Gradwol; unanimously approved

RDA 1467:29 Shore Road (Map 167, Lot 31) Submitted by Carl Leander to remove and replace sunroom with added deck in wetland buffer zone.

Presenter: David Jaquith, Architect 81 Railroad Ave., Rowley, MA

Mr. Jaquith stated the entire home is being renovated with new decks that are outside the buffer zone, with no increase in impervious surface.

Public comment: None

Motion was made for a Negative Determination for the project at 29 Shore Road by Ms. Charpentier and seconded by Mr. Gradwohl; unanimously approved.

NOI: 10 Juniper Road #28.... (Map 96, Lot 42) Submitted by Donna Crocker and Gretel Seeley to repair seawall, concrete pier and pilings on coastal bank.

Presenter: Mathew Babson, Wheeler St ., Gloucester

Mr. Babson explained that the wall and pier are deteriorated and need repair. There will not be any expansion.

The commission requested a site visit because of the sensitivity of the site.

Public comment: None

Motion to continue the project at 10 Juniper Road to October 21, 2015 was made by Ms. Kwasi and seconded by Ms. Charpentier; unanimously approved.

GWO15-02 - 337 Concord Street (Map 240, Lot 1) Submitted by Jeffrey W. Roberts to construct barn, driveway and drywell in City ACEC buffer zone.

Presenter: Peter Pommersheim , Meridian Associates

Mr. Pommersheim stated that the project has not been approved by engineering yet. It is in the 200 foot buffer to ACEC. A drywell will be installed for roof runoff from the barn.

The commission voiced concern about the location of the barn and previous work that may have been done on the site. They requested a site visit and for the Meridian Associates to flag the area.

Public comment:

Daniel Greenbaum, 318 Concord St

Mr. Greenbaum reported that the septic onsite was not approved and a gravel road was built. The site is in buffer and is sensitive. He requested that the Commission look at it carefully. There is extensive work going on. The owner will not let anyone on the site.

Public comment was closed.

Motion was made by Mr. Gradwohl to continue the project at 337 Concord Street to October 21, 2015 and seconded by Ms. Charpentier; unanimously approved.

NOI: 178 Atlantic Road #28-2414 (Map 76, Lot 5) Submitted by James Harwood to construct residence/appurtenances on undeveloped rock shore/flood zone.

Attorney Meredith Fine, 85 Eastern Ave., Suite 302, Gloucester

Attorney Fine explained that project as a small single family home across from the Ocean View Inn. The building will be in two pieces with steel columns pinned to the ledge. A small paved parking lot adjacent to building is proposed with parking for 2 cars. The 2nd level will be a total living area of 1500 sq. feet and will be 30 feet high above mean site grade. It will look like a 2 story cedar home
Ms. Fine opined that the project meets the city wetlands ordinance and all state regulations.

John Dick, Hancock Associates, Danvers

Mr. Dick reported that the site is delineated as coastal bank on policy 92-1. It is based on grades. The site is mostly bare rock. There is no need for a storm water management plan. Most of the major impacts will be from the excavation for the utilities. Blasting should not be needed, but that will not be known until the subsurface investigation is done.

The Commission discussed the points that will need to be explained to them in detail and stated that 3rd party reviewers will have to be appointed. Some of the points that the Commission will need information on are: the how the steel columns will be mounted to the ledge, determination that it is a coastal bank, vegetation, blasting, etc.

James Harwood

Mr. Harwood stated that there is a more developed set of drawings that can be supplied to the third party reviewer.

Public comment:

Paul McGeary- 31 Eastern Ave, Gloucester

Councilor McGeary requested that the 3rd party reviewer look at the construction of the lattice work and 24 steel columns that will be installed. He also requested that hired reviewer evaluate storm resistance, and what would happen if it did fall apart.

Mr. Gulla stated that an engineer would need to stamp the plans saying they conform to the correct standards.

Joseph Delaruso, 189 Atlantic Road, Gloucester

Mr. Delaruso asked what assurances that the project will be completed and if a bond could be floated. He stated that if it takes a long time to complete, during certain stages it could be vulnerable to the elements.

Reverend Richard Emanuel, 153 Main St., Gloucester

Reverend Emanuel stated that this project would set a precedent for others to follow. He read a letter to the commission stating his points which was then submitted to the City's agent.

Ralph DiGeorgio, 149 Atlantic Road, Gloucester

Mr. DiGeorgio stated that Geotech professional should be hired to review the project. The boulders will be weakened as there is a tremendous amount of fracturing in the rock.

Maria Velenti, 103 East Main St., Gloucester

Ms. Velenti questioned why the project didn't fall under Chapter 91 and why the applicant would want to destroy one of our most precious resource areas. She also stated that this project would set a precedent for others to follow suit. She stated that the Commission should take into consideration the sea levels rising and climate change issues.

Mike Stelluto 21 Dry Road, Gloucester

Mr. Stelluto stated the area should be preserved.

Mark Pool, 84 High Popples Road, Gloucester

Mr. Pool submitted a letter to the commission.

He stated that there are shale and trees on the site.

Chris Vigard 47 ??/ road

Mr. Vigard voiced his concern that a lot of houses on Atlantic Ave. own property across the road and that over time more house will likely be built on stilts on the water side. He stated the "back shore" needs to be protected.

Joseph Delaruso, 189 Atlantic Road, Gloucester

Mr. Delaruso stated that wildlife habitats could be lost if a residence is built in this area.

Public comment: Closed for this meeting

The commission requested a site visit be set up.

Motion to continue the project to October 21 2015 was made by Mr. Feener and seconded by Ms. Charpentier; unanimously approved.

NOI: 27 Kondelin Road #28-2415 (Map 197, Lot 14) Submitted by Ralph Hobbs to construct industrial building on Mass DEP permitted pavement in the buffer zone.

Presenter: Attorney Meredith Fine

Attorney Fine stated that there are 6 industrial rental units and two more are to be added.

According to Ms. Fine, the building causes no increase to the impervious area and has no effect on the wetland and a small improvement to the water management.

Mr. Feener stated concern that the building will shade the wetland area and requested information to make sure the building is situated properly.

Public comment: None

Conditions:

- John Judd of Gateway Consultants to provide a letter about directional sunlight and impact of shading on wetland.

Motion to approve the project at 27 Kondelin Road was made by Ms. Jackson and seconded by Mr. Gradwohl; unanimously approved, subject to submission of analysis/letter related to shading issue.

Certificates of Compliance

5 Reef Knot Way 28-2030

31 Hodgkins St 28-2328

68R Poplar Street 28-2256

Motion to approve the COCs was made by Ms. Jackson and seconded by Ms. Kwasie; unanimously approved.

201R Essex Ave-Previously approved -Minor modification – matter postponed – applicant not present

Emergency Certification- Pavilion Beach

City had to do emergency repair seawall near playground. DEP needs documentation. Agent requested, and it was unanimously approved, to sign the Emergency Certification for this work.

Motion to adjourn was made by Ms. Kwasie and seconded by Mr. Feener; unanimously approved.