

CITY OF GLOUCESTER

CONSERVATION COMMISSION

Meeting

WEDNESDAY, November 4, 2015 - 7:00 PM
City Hall, 2nd Floor, Kyrouz Auditorium
Robert Gulla Chair

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

NOI: Shore Road # 28-2416 (Map 167, Lot 13) – Submitted by The Residences at Shorecliff Condominium to perform vegetation maintenance in the buffer zone – **pruning/maintenance plan submitted and awaiting review by Commission.**

Mr. Whittaker reported that a vegetation management plan has been received and meets the commission requirements.

Mr. Feener added the requirement that the mature height of trees to be planted should only reach 5-10 feet to minimize pruning.

Condition:

- Mid-level story height trees to be planted

Motion to approve NOI: Shore Road # 28-2416 (Map 167, Lot 13) – Submitted by The Residences at Shorecliff Condominium to perform vegetation maintenance in the buffer zone was made by Ms. Jackson, seconded by Mr. Gradwohl and unanimously approved.

Amendment NOI: 2 Wolf Hill Road- #28-2166 (Map 87, Lot 3)

Presenter: Daniel Ouellette- 2 Wolf Hill Road

Mr. Ouellette explained that he would like to install a 20x30 asphalt driveway with storm drains that would run off into a rain garden.

Mr. Gulla stated that the commission will require detailed calculations on pavers versus an asphalt driveway.

Mr. Feener stated that this would fall under an amendment not a minor modification.

NOI: 166 Bray St: GWO-14 Permit for ACED (Map 247, Lot 6)

Presenter: Chris McCarthy- 15 Wilamer Road

Mr. McCarthy stated that the septic plan had already been approved which is 140 feet away from the house. Another test pit has been done which will allow the septic to be closer to the house and the leech field farther away.

With this plan there would be less tree loss. He explained that the

driveway expansion is only to meet the new state guidelines to accommodate fire access.

Motion to approve NOI 166 Bray St: GWO-14 Permit for ACED (Map 247, Lot 6) minor modification was made by Mr. Gradwohl, seconded by Ms. Charpentier and unanimously approved.

PUBLIC COMMENT - None

MINUTES REVIEW AND APPROVAL – September 16 and October 7, 2015

Motion to approve the minutes of September 16, 2016 was made by Ms. Kwasié, seconded by Ms. Charpentier and unanimously approved.

Block 1: Continued Projects

- A. ANRAD: 30, 48 and 50 Atlantic Avenue #28-2413 (Map 257, Lots 167, 202 and 201)** Submitted by Francis Goodhue for Abbreviated Notice of Resource Area, coastal wetland – **continued as agreed to by applicant awaiting Commission arrangements for peer review consultation.**

Motion to continue the ANRAD for 30, 48 and 50 Atlantic Avenue #28-2413 (Map 257, Lots 167, 202 and 201) Submitted by Francis Goodhue for Abbreviated Notice of Resource Area, coastal wetland to November 18 was made by Ms. Kwasié, seconded by Ms. Jackson and unanimously approved.

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

Presenters: Dan Bailey, Pierce Atwood & Jeff Andrews, Wetlands Preservation LLC

Attorney Bailey reported that work has stopped at the site. Filter fabric has been installed for limited of work. He stated that an amended filing or new filing will be submitted.

Mr. Gulla stated that the site is a sensitive area and the commission is shocked at the amount of work that has been done without permission. The commission will need to understand what happened and why there isn't an alternative site. Mr. Gulla also stated that the agent be notified in an appropriate time frame to make sure the site is stabilized.

Mr. Whittaker reported that there is a cease and desist on the property. The building department will be filing civil or criminal penalties. The commission should consider taking enforcement action as there has been a complete dismal of the commission concerns after repeated communications.

Mr. Gulla stated that this commission will like to resolve the problem and would like to have good faith that it will be resolved.

Ms. Jackson stated that this person has flagrantly dismissed all notices and concurred with Mr. Whittaker that fines should be implemented immediately. Attorney Bailey informed the board that an appeal will be filed on the cease and desist from the building department as a special permit is not required. He stated that this NOI is being withdrawn.

Motion to approve the withdrawal of NOI: 337 Concord Street # GWO15-02 (Map 240, Lot 1) – Submitted by Jeffrey W. Roberts to construct barn, driveway and drywell in City ACEC buffer zone was made by Ms. Kwasié, seconded by Mr. Gradwohl and unanimously approved.

Motion to approve the enforcement order for 337 Concord St (Map 240, Lot 1) was made by Ms. Jackson, seconded by Ms. Charpentier and unanimously approved.

- C. NOI: 178 Atlantic Road # 28-2414 (Map 76, Lot 5) – Submitted by James Harwood to construct a residence/appurtenances on undeveloped rocky shore/flood zone – **continued as agreed to by applicant awaiting Commission arrangements for peer review consultation.****

Motion to continue NOI 178 Atlantic Road # 28-2414 (Map 76, Lot 5) – Submitted by James Harwood to construct residence/appurtenances on undeveloped rocky shore/flood zone to November 18, was made by Ms. Charpentier, seconded by Mr. Gradwohl and unanimously approved.

Block II: New Projects

- A. ANRAD: 555 Western Avenue (Map 199, Lot 19) Submitted by Patricia & Daniel Ruberti for wetland area delineation**

Presenter: Jeff Andrews, Wetland Preservation, Plaistow NH

Mr. Andrews explained that the property was previously delineated but the ORAD has expired. The commission reviewed the new delineation and found that there were no significant changes.

Public Comment: None

Motion to approve the ANRAD at 555 Western Avenue (Map 199, Lot 19) Submitted by Patricia & Daniel Ruberti for wetland area delineation was made by Ms. Jackson, seconded by Ms. Charpentier and unanimously approved.

- B. RDA 1472: 41 Shore Road (Map 166, Lot 23) - Submitted by Kerry Saravelas for repair of seawall and tree planting**

Presenter: John Filias, Jeffrey's Creek Contractors

Mr. Filias reported that an 18 inch whole presented itself in August and it was determined that the wall has eroded over time. A tree was taken down without permission and 2 new trees were planted.

Mr. Whittaker reported that this is an after the fact filing because of an emergency situation. The work is complete.

Public Comment: None

Motion for a Negative Determination for RDA 1472: 41 Shore Road (Map 166, Lot 23) submitted by Kerry Saravelas for repair of seawall and tree planting was made by Ms. Charpentier, seconded by Mr. Feener and unanimously approved.

* Mr. Feener stated that if Sugar Maples were installed the client should be able to come back and move the trees if necessary.

C. NOI: 58 Bray Street # 28-..... (Map 241, Lot 3) Submitted by Barbara Stafford to add a screened in side-porch

Presenter: Barbara Stafford & Newton Fink

Ms. Stafford and Mr. Fink explained the project to the commission. They stated that 3 Birch trees will be planted for mitigation.

Mr. Feener stated that the trees currently on the property will be the best type of tree to plant for mitigation.

Public Comment: None

Conditions:

- Planting plan to be submitted prior to work being started
- Erosion control to be in place

Motion to approve NOI: 58 Bray Street # 28-..... (Map 241, Lot 3) Submitted by Barbara Stafford to add a screened in side-porch was made by Ms. Charpentier, seconded by Ms. Kwasié and unanimously approved.

D. RDA 1473: 10 Way Road (Map 74, Lot 10) - Submitted by Andy & Peggy Matlow to rebuild existing garage in buffer zone

Presenter: Teadhg Morgan Windhover Constriction

Mr. Morgan explained that the structure will be taken down to the foundation. A permit from the Building Department has been received. On edge of buffer, there is a 110 s.f. impervious roof surface (open air) for storage.

Mr. Gulla verified that the commission is not approving any delineation of the wetland.

Public Comment: None

Conditions:

- Mitigation plan to be submitted prior to construction with delineation of structure to be marked
- Erosion control &
- Dumpster location to be marked on plan

Motion for a Negative Determination for RDA 147310 Way Road (Map 74, Lot 10) Submitted by Andy & Peggy Matlow to rebuild existing garage in buffer zone was made by Ms. Kwasié, seconded by Ms. Charpentier and unanimously approved.

E. NOI: 81 Rocky Neck Avenue # 28-2409 (Map 128, Lots 40 and 46)
Submitted by Gloucester Marine Railways for pile maintenance/replacement in designated port area

Mr. Whittaker reported that it is a continuation of the present work being done on the site.

Public Comment: None

Motion to approve NOI: 81 Rocky Neck Avenue # 28-2409 (Map 128, Lots 40 and 46) Submitted by Gloucester Marine Railways for pile maintenance/replacement in designated port area was made by Ms. Kwasié, seconded by Ms. Charpentier and unanimously approved.

F. NOI: 46 Sumner Street # 28..... (Map 240, Lot 19) Submitted by Shirley MacDougall to replace septic system in buffer zone

Presenter: John Judd Gateway Consultants

Mr. Judd stated that this is a replacement septic system for an existing house and has been approved by the Board of Health.

Public Comment: None

Motion to approve NOI: 46 Sumner Street # 28..... (Map 240, Lot 19) Submitted by Shirley MacDougall to replace septic system in buffer zone was made by Ms. Charpentier, seconded by Mr. Gradwohl and unanimously approved.

G. RDA 1474: 3A Pond Road (Map 264, Lot 41) - Submitted by Scott Real Estate LLC to create permeable parking area in buffer zone

Presenter: Scott Burnham 36 Grapevine Road Gloucester

Mr. Gulla stated that angled parking should be considered with some plantings installed. The site is in riverfront. The commission required the Common Crow submit and implement an intense planting plan for this area and must remain consistent in our requirements.

Mr. Feener stated that the parking is on the downward slope toward to the culvert. It may need to be relocated. The commission will require documentation of why the parking site was selected.

Public Comment: None

Conditions:

- Planting plan to be submitted with curb
- Verbage for parking

Motion for a Negative Determination for RDA 1474- 3A Pond Road (Map 264, Lot 41) submitted by Scott Real Estate LLC to create permeable parking area in buffer zone was made by Ms. Charpentier, seconded by Ms. Jackson and unanimously approved.

CERTIFICATES OF COMPLIANCE

#28-2064 84 High Street

Motion to approve the Certificate of Compliance #28-2064 84 High Street was made by Ms. Kwasie, seconded by Ms. Charpentier and unanimously approved.

Meeting adjourned at 8:40 p.m.