

CITY OF GLOUCESTER  
CONSERVATION COMMISSION  
MEETING

WEDNESDAY, November 18, 2015 - 7:00 PM  
City Hall, 2<sup>nd</sup> Floor, Kyrouz Auditorium  
Robert Gulla Chair

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

Mr. Gulla opened the meeting at 7:02 p.m.

Chris LaPointe, Essex County Greenbelt  
72 Coles Island Road

Mr. LaPointe requested the commission to support a conservation restriction at Coles Island Road. It would be a 15 acre restriction on an 18 acre lot. Greenbelt is willing to accept the restriction. The Commission part of the process is to certify that there is resource value. The request is currently in process with the mayor and city council.

Mr. Feener asked if there an area that the public can come access the property.

Mr. LaPointe stated that is no public access.

Mr. Whittaker read the municipal certification letter into the record.

Motion in favor to support the municipal certification letter for 72 Coles Island Road was made by Ms. Jackson, seconded by Mr. Gradwohl and unanimously approved.

Mr. Whittaker reported that the City Council heard the parking restriction on Wise Place which was voted down 7-1. There was a reluctance to get involved in neighborhood quarrels. A number of neighborhood residents documented their opposition to the restrictions.

3a Pond Road

Mr. Whittaker reviewed the planting plan with the commission for approval.

Motion to approve the planting plan for 3a Pond Road was made by Ms. Jackson, seconded by Ms. Kwasié and unanimously approved.

I. PUBLIC COMMENT- None

II. MINUTES REVIEW AND APPROVAL -October 7, 2015

Motion to approve the minutes of October 7, 2015 was made by Mr. Gradwohl, seconded by Ms. Charpentier and unanimously approved.

IV. 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 Delineation – continued by request of Applicant.**

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 December 2, 2015 was made by Ms. Charpentier, seconded by Ms. Kwasié and unanimously approved.

- B.** 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.

**Motion to continue the NOI for 178 Atlantic Road # 28-2414 (Map 76, Lot 5) – Submitted by James Harwood to construct residence/appurtenances on undeveloped rocky shore/flood zone to December 2, 2015 was made by Mr. Feener, seconded by Ms. Kwasié and unanimously approved.**

V. Block II: New Projects

NOI: 19 King Philip Road #028-2421 (Map 230, Lot 138) Submitted by Joseph Bertagna to construct dwelling and appurtenances in riverfront area.

Presenter: Dan Ottenheimer, Mill River Consulting

Mr. Ottenheimer reported that DEP has no comment on the project. It is a 22500 square foot parcel with a steep slope in back. The proposed house is located out of riverfront and flood zone and will be placed on pilings. No blasting **will** be done. Within the riverfront area will be a 20x25 parking area and walkway. The access to the house is not in riverfront and will be replanted after construction. There is infiltration for the driveway and roof. 1/3 of land will remain wooded. The area of disturbance is 2500 s.f.

Mr. Gradwohl asked if the water and sewer line connection will require blasting. Mr. Ottenheimer stated he did not know.

Mr. Feener stated that the Alternative Analysis did not mention an access point for construction vehicles and asked why it would not be made into the driveway instead of disturbing two areas.

Mr. Ottenheimer stated that the both parcels are owned by the same party and they want to keep vegetation in-between the two houses.

Mr. Feener stated that the reasoning why access can't be obtained from the other property needs to be addressed more in the alternative analysis

Mr. Gulla stated that the natural wooded area is non jurisdictional and the plan as presented is offering something that cannot be guaranteed. The alternative analysis needs to be approved before moving forward.

Public Comment:

Matthew Bougas

Mr. Bougas stated that he is the abutter above the property and is concerned about the topography. He stated that where the walkway is proposed is wet may be a vernal pond.

Richard Roth 366 Main St.

Mr. Roth also suggested that the pond is a vernal pool and suggested that the commission do a site visit.

Judy Ray- 25 King Philip Road

Ms. Ray is pleased with project and the lot. The vernal pool is not anything but a rut.

Mr. Ottenhiemer stated that the property does not have vernal pools that have been designated by the Commonwealth.

Commission to schedule a site visit.

**Motion to continue the NOI for 19 King Philip Road #028-2421 (Map 230, Lot 138) Submitted by Joseph Bertagna to construct dwelling and appurtenances in riverfront area to December 2, 2015 was made by Ms. Kwasia, seconded by Mr. Gradwohl and unanimously approved.**

**A. NOI: 279 Concord Street #28..... (Map 249, Lot 15)** - Submitted by Clark Grant to raze and replace existing house, garage and studio in ACEC buffer zone.

Presenter: Bill Manuell, Wetlands and Land Management

Mr. Manuell reported that the site is already developed with a home, studio and garage. The entire site is under commission jurisdiction.

The existing gravel drive will remain. Three structures will be taken down and rebuilt in approximately in the same footprint. A new septic need to be installed. The septic plan has been approved by the Board of Health, but will be changed. The new structure has been pulled back out of upland edge and is more than 100 feet away from the salt marsh.

The house will be on a slab and will be pinned to bedrock. No blasting is needed. The city has approved the drainage.

Commission Comments

Mr. Gulla asked for a clearer plan showing existing structures and to see what is going to be given back to the environment.

Mr. Feener asked for the arithmetic regarding changes to impermeable area to be shown on the plan and to shade the area showing alterations for lawn on the plan.

Commission to schedule a site visit.

Public Comment:

Dennis McGerck, Concord Street

Mr. McGerck stated that he was concerned that the septic is within 10 of my boundary line and that his trees may be compromised.

Mr. Feener suggested to Mr. McGerck that he contact an arborist to write a letter on his behalf.

Motion to continue the NOI at 279 Concord Street #28..... (Map 249, Lot 15) - Submitted by Clark Grant to raze and replace existing house, garage and studio in ACEC buffer zone to December 2, 2015 was made by Ms. Kwasia, seconded by Mr. Gradwohl and unanimously approved.

**B. NOI: 29 & 34 Marble Road #28..... (Map 75, Lots 42 & 17) - Submitted by Bernice Lichtenstein to construct a house, cottage, septic system and wells in buffer zone.**

Presenter: Dan Ottenheimer, Mill River Consulting & Bill Manuell, Wetlands and Land Management

Mr. Ottenheimer explained that there are two parcels that are separate but have the same owner. One lot is smaller at 7005 s.f. and the larger is 62,000 s.f. There is a pond on the larger lot. A shared septic will be installed across the road from the pond so the resource is protected. Each house will have its own well and storm water infiltration areas. The Board of health has approved the septic and wells. As part of our conditions of approval they will be in common ownership. There is less disturbance to the land associated with the shared septic. The two lots will be legally obligated to have the same owner.

#### Commission Comments

Mr. Gulla stated that a site walk will be necessary for this project as he has several concerns regarding the drainage, the location of the wells, the depth of the wells. He stated a plan for drilling the wells will be required as well as an inventory of what vegetation will be left when the project is done.

Mr. Manuell reported that he flagged the resource area. It is thickly vegetated with open water in the middle.

#### Public Comment:

Robert Caron 41 Marble Road

Mr. Caron raised concern regarding the septic stating that the land will have to be raised 4 feet or more which will change the topography.

Charles Olson 10 Marble Road

Mr. Olson stated that the area has not passed a perc test for 50 years and now there is a two house project on the site. The sewer line is going under marble road.

Joseph LeBlanc 37 Marble Road

Mr. LeBlanc stated that the site is a wetland and the whole area is under water. A perc test was never approved and the proposed septic system will touch the road. The road is very narrow.

Bonnie Gunn 41 Marble Road

Ms. Gunn stated concern with width of road and snow management. If the septic is placed as proposed the snow plows will plow the snow into the wetland. Turtles lay eggs on embankment and try to reach water.

Motion to continue the NOI at 29 & 34 Marble Road #28..... (Map 75, Lots 42 & 17) - Submitted by Bernice Lichtenstein to construct a house, cottage, septic system and wells in buffer zone to December 2, 2015 was made by Ms. Jackson, seconded by Ms. Charpentier and unanimously approved.

VI. OTHER COMMISSION BUSINESS  
Mr. Gulla recused himself

Discussion of Mitigation Plan 33 Two Penny Lane  
Bill Manuell, Wetlands and Land Management

Mr. Manuell stated that a COC is needed however and area of wetland has been maintained as lawn. The OOC has expired and needs to be closed out. A house closing is scheduled. Mr. Manuell reported that he has restaked as originally approved so the impacts can be assessed. There is no fill in the wetland, but some areas of brush have been cleared. The owners will come back with an NOI.

Ms. Jackson stated that written assurances from new owners and a professional that the new NOI will be filed and that money will be held in escrow is needed.

Motion to approve the COC, escrow account, and letter with required signatures to be in place was made by Mr. Feener and seconded by Ms. Kwasie and unanimously approved.

#### VII. AGENT'S REPORT ON VIOLATIONS

Public Hearing-discussion of Enforcement 337 Concord Street  
Attorney Dan Bailey

Jeff Andrews, Wetland Preservation

Attorney Bailey reported that the site has been assessed and the all the work is within buffer zone. Additional erosion controls have been added and the exposed soils will be sprayed with hay mulch. He stated time is needed to fully evaluate the site and understand the work that was done without approval. An NOI will be filed.

Mr. Gulla stated that since this project has been so egregious the commission would like frequent progress updates. A restoration plan marking milestones with dates attached will be needed to make sure the site is restored.

Mr. Feener asked that the information for the sprayed hay mulch be submitted to the commission prior to work being done.

Public Comment:

Betsy Holdsworth, Concord Street

Ms. Holdsworth stated she was glad to hear there will be remediation would like to know about the fines.

Charlotte Chain, 310 Concord Street

The work done could destroy to saltmarsh.

Stacy Fisher, 320 Concord Street

Ms. Fisher provided a power-point presentation for the commission showing the work that was done on the property.

Deborah Kramer- Concord Street

Ms. Kramer stated she would like to penalties implemented and a restoration plan that will be maintained and monitored. The site is important to protecting shellfish in Essex bay, the saltmarsh provide area for fish caught by fisherman, protects wildlife, help with pollution prevention and is a natural flood control barrier.

Dan Greenbaum, 318 Concord Street

Mr. Greenbaum stated that it has been over 800 days of violation and the calculations have not been done for the damage. In addition to a restoration plan, there should be a combination of penalties and other supplemental plans put in place. A bond should be in place and an annual maintenance plan should be submitted to the commission for 10 years after project is completed.

Doug LeChance

Mr. LeChance stated he lives directly across the street and has no idea what the project is going to be. It is important to get mitigation and restoration so there is an understanding of the project.

Sally Perkins Conomo Point Road

Ms. Perkins stated that fines should be implemented and that the contractors who did the work be liable as well.

Mr. Gulla explained that the applicant bears the burden of the penalties.

Derek Brown 33 Conomo Point Road Essex

Mr. Brown stated that he has not been notified about any of the meetings.

Mr. Whittaker explained the process of notification to Mr. Brown.

Leslie Davison, 334 Concord Street

Ms. Davison stated her concern about the project in general.

The commission explained the process to Ms. Davison

Attorney Bailey stated that the project is a farm. The commission regulates impacts not use and 65-70% is outside of the commission jurisdiction

The commission discussed the following key points:

- Schedule of restoration with dates
- an outside consultant to see if there has been any disturbance or deterioration at the flora or fauna within the 100 foot buffer
- peer review
- bond

Motion to continue the Enforcement for 337 Concord Street to December 16, 20115 was made by Ms. Kwasi and seconded by Ms. Charpentier and unanimously approved.

Mr. Gulla returned to the meeting.