

CITY OF GLOUCESTER

CONSERVATION COMMISSION

MINUTES

WEDNESDAY, December 16, 2015 - 7:00 PM
City Hall, 2nd Floor, Kyrouz Auditorium
Robert Gulla Chair

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

Staff: Ken Whittaker

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

I. **ADMINISTRATIVE BRIEFING**

1. Mr. Whittaker stated that excavation work at 96 Woodward Avenue was recently reported to him, and since the work was within Commission jurisdiction but proceeding without a permit, he ordered a work stoppage which was honored by the on-site contractor. The party responsible for the work was identified as Bill Wheat of 6 Marmain Way Rockport MA. Mr. Whittaker asked Mr. Wheat to come before the Commission to explain his actions. Wheat explained that the location was formerly a bank-owned property that had been abandoned for several years. Debris has surrounded the garage and engulfed the slope. The excavation work that was reported consisted of grabbing the debris to clean it up. Reportedly, two dead trees were removed although Mr. Whittaker indicated that it appeared as more vegetation that that had been removed. Mr. Gulla explained why work cannot be done in riverfront and that he should go out with agent and install erosion controls until an appropriate application is filed. Mr. Whittaker will continue to monitor activities at the site, although it was determined that after installation of suitable erosion controls removal of debris would likely be allowed to continue.

2. Discussion of Potential New Candidate for Conservation Commission
Bill Cook introduced himself to the commission. And a brief conversation was held. The Commission agreed to support Mr. Cook's appointment and directed Mr. Whittaker to prepare a letter of support for Mr. Gulla's signature.

II. PUBLIC COMMENT - None

III. MINUTES REVIEW AND APPROVAL - December 2, 2015

Motion to approve the minutes of December 2, 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, coastal wetland – **continued by request of Applicant – discussion of status of request for expert review – awaiting funding from applicant.**

Mr. Whittaker stated that he has not heard back from the applicant or counsel.
Bill Manuell, Wetlands and Land Management

Mr. Manuell stated that arrangements for approval of payment for the Commission's third party consultant are pending and a revised plan will be submitted.

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 January 20, 2016 was made by Ms. Kwasia, seconded by Mr. Gradwohl 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 – update on consultant selection process and status of request for funding of selected consultant by applicant.**

Mr. Whittaker stated that he has not heard back from applicant or counsel at this time.

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 January 20, 2016 was made by Ms. Jackson, seconded by Ms. Charpentier and unanimously approved.

- C. NOI: 19 King Philip Road #28-2421 (Map 230, Lot 138) - Submitted by Joseph Bertagna to construct dwelling and appurtenances in riverfront area - update of plans previously submitted**

Dan Ottenheimer, Mill River Consulting

Mr. Ottenheimer explained that the site plan has been amended. The driveway has moved to a previously disturbed area to minimize overall site impact. All trees that will be impacted/removed have been identified on site plans and the calculation has been readjusted for the riverfront area to show that overall site disturbance is still below 10%. The house has not been designed yet although the likely footprint is known.

Mr. Feener stated his understanding that the commission concerns have been addressed with the amended plan. He stated that understory plants should be planted at the site for mitigation of the impact on site disturbance and house construction, the canopy restored and a note to be added to the plan that the culvert needs to have a maintenance plan. The landscaping must be done by a certified professional.

Public comment:

Matt Bougis 18 Hunkis Road

Mr. Bougis stated that where the piping is going to be installed there is a large wet area that shows up after a rain. The Commission opined that based on their site visit this "pooling area" does not appear to be a vernal pool or other jurisdictional wetland.

As several final details of the site plan still need to be presented, a Motion to continue the NOI for 19 King Philip Road #28-2421 (Map 230, Lot 138) - Submitted by Joseph Bertagna to construct dwelling and appurtenances in riverfront area to January 6, 2016 was made by Mr. Feener, seconded by Mr. Gradwohl and unanimously approved.

D. NOI: 29 & 34 Marble Road #28-2422 (Map 75, Lots 42 & 17) - Submitted by Bernice Lichtenstein to construct a house, cottage, septic system and wells in buffer zone -update of plans previously submitted,

Dan Ottenheimer, Mill River Consulting

Mr. Ottenheimer explained that the property owner is working with neighbors to reach a compromise regarding several issues related to site maintenance and building/facilities construction. The fire department has also been asking for more information regarding the road to ensure compliance with recent fire protection standards and requirements. The applicant has asked for a continuance to address all of these issues.

Public Comment: None

Motion to continue the NOI for 29 & 34 Marble Road #28-2422 (Map 75, Lots 42 & 17) - Submitted by Bernice Lichtenstein to construct a house, cottage, septic system and wells in buffer zone to January 6, 2016 was made by Ms. Charpentier, seconded by Mr. Gradwohl and unanimously approved.

E. NOI: 4 & 6 Eastern Point Boulevard #28-2428 (Map 133, 10 & 26) Submitted by James & Jan Bordinaro for duplex home/common driveway within a proposed 3-lot subdivision in buffer zone. Current application limited to single residential structure.

Presenter: Attorney Michael Faherty

Mr. Faherty explained that the site is 95000 square feet and that the wetland area on the property is upland from the development. The lot is currently divided into two lots and the majority of the vegetation is invasive. The trees have large canopies although generally devoid of lower branches there is an intermittent stream throughout the wetland "ravine-like" area that discharged to a culvert under Eastern Point Boulevard which in turn discharged onto Niles beach. The coastal bank is across the street. For the proposed development all storm water will remain onsite and the utilities will be placed

underground. 7 test holes were done around the site to refine the stormwater management/drainage system.

Mr. Gulla stated that there seems to be excessive work in the buffer zone and asked what protections to the environment are and what the controls will be in put in place to protect that resource.

Mr. Faherty stated that a site visit would be beneficial for the commission to understand the work to be done and the topography of the site, thinking that this might alleviate some of the concerns of Commission members. A site visit was scheduled for the Saturday morning following the meeting.

The commission discussed what a buffer zone is and what it is for.

Public comment: None

Eric Bradanese- Engineering Alliance Inc.

Mr. Bradanese submitted a report to the commission discussing several stormwater issues and how they are being handled within the context of site development.

Motion to continue the NOI for 4 & 6 Eastern Point Boulevard #28.....(Map 133, 10 & 26) Submitted by James & Jan Bordinaro for duplex home/common driveway within a proposed 3-lot subdivision in buffer zone to January 6, 2016 was made by Ms. Jackson, seconded by Ms. Kwasi and unanimously approved.

- F. NOI: 279 Concord Street #28-2423 (Map 249, Lot 15) - Submitted by Clark Grant to raze and replace existing house, garage and studio and other site improvements in ACEC buffer zone -discussion of site visit, review of minor changes to currently filed site drawing.**

Bill Manuell, Wetland and Land Management

Mr. Manuell submitted a revised plan and a mitigation plan to mitigate for loss of vegetation and impermeable area associated with proposed on-site construction.

Public comment: None

Conditions:

- Two oak trees to be planted- caliper 2"
- Management plan for spa chemical and water drainage
- Further details on these issues to be added to the conditions for the order of Conditions

Motion to approve the NOI for 279 Concord Street #28-2423 (Map 249, Lot 15) - Submitted by Clark Grant to raze and replace existing house, garage and studio and other site improvements in ACEC buffer zone was made by Mr. Feener, seconded by Ms. Kwasi and unanimously approved.

V. Block II: New Projects

A. NOI: 88 Holly Street #28-24289 (Map 123, Lot 69) - Submitted by Jeremy Stahlin to construct addition/garage/deck to existing home in buffer zone.

Bill Manuell, Wetlands and Land Management

Mr. Manuell stated that the addition is to right side of the home. To access the garage the driveway needs to be bumped out. The sewer will be relocated and the deck will be constructed on sonotubes. Paul Keane approved the current drainage plan but it will be redesigned. Two trees will be removed. There is a 787 square foot increase of impervious area. There is no room on site for additional mitigation as the site is currently completely vegetated. However, the Commission believes there are opportunities to enhance the current tree and shrub plantings at the site to mitigate for loss of permeable areas and requested a mitigation plan for the site to be submitted in time for the next meeting..

Public comment: None

Motion to continue the NOI: 88 Holly Street #28-2429 (Map 123, Lot 69) - Submitted by Jeremy Stahlin to construct addition/garage/deck to existing home in buffer zone to January 6,2016 was made by Ms. Kwasié, seconded by Ms. Jackson and unanimously approved.

Mr. Gradwohl recused himself from the following matter.

B. NOI: 160 Western Avenue #28..... (Map 204, Lot 10) - Submitted by Yvonne Brancalone to repair existing foundation seawall on rocky shore/coastal bank.

Dan Ottenheimer, Mill River Consulting

Mr. Ottenheimer stated that an Emergency Certification was issued in October. The work should be completed within the next week.

Conditions:

- Mortar cleanup in resource to be done by hand
- Pictures to be submitted when work is completed

Public comment: None

Motion to approve the NOI for 160 Western Avenue #28..... (Map 204, Lot 10) - Submitted by Yvonne Brancalone to repair existing foundation seawall on rocky shore/coastal bank was made by Ms. Jackson, seconded by Ms. Kwasié and unanimously approved.

Mr. Gradwohl rejoined the commission.

Mr. Whittaker reported that he neglected to place 337 Concord Street on agenda. However, he recommended that the Commission take a few minutes to listen to an update of recent activities on the site (primarily to stabilize the site against further erosion) from representatives of the applicant who were in attendance at the meeting.

337 Concord St.

Attorney Dan Bailey reported that the soil stabilization work has been done Curt Young- Wetland Preservation Inc.

Mr. Young informed the commission that the resource areas have been flagged and Hayes Engineering has been hired to prepare engineering drawings, site plans, etc.. Site plans should be received from engineering around the January 1, 2016. An NOI application is being prepared with a target date of January 20, 2016. The Commission responded that they anticipated that the January 20 presentation would also address issues related to mitigation/repair of the previously unpermitted work, and that the January 20 meeting might also include discussion of enforcement means and penalties.

Public Comment: None

Motion to continue 337 Concord St to January 6, 2016 (in the case that the applicant may wish to come in and provide further updates on status) was made by Ms. Jackson, seconded by Ms. Kwasi and unanimously approved.

NOI: 77 Eastern Point Boulevard #28..... (Map 136, Lot 9) - Submitted by Arunas Martinonis to repair septic/build revetment/install dock/ramp/seasonal float in buffer zone and on coastal bank.

Dan Ottenheimer, Mill River Consulting

Mr. Ottenheimer explained that the septic system will be upgraded and will use an Innovation design to treat wastewater before it reaches the leaching field. The treatment system will be in the basement of the house. The Board of Health has approved the plan. The tanks need to be secured and a structural engineer has been hired for that work.

Mr. Feener requested a picture of the tank area from the previous approval for their placement on the site. The current plans calls for construction of a sloped stone revetment on the coastal bank to protect and support former "tight tanks" on the property which will now be used only for temporary storage of sewage as part of the approved new advanced system. Mr. Gulla stated that the proposed revetment of the tanks appears to be armoring a coastal bank and then MassDEP may have concerns. The commission proposed to halt consideration for the time being awaiting DEP comments. The commission asked for an alternative analysis.

Mr. Ottenheimer stated that the second part of project is the dock ramp and float but that is not going to be presented this evening, but rather will be discussed for permitting at a later time.

Public comment: None

Motion to continue NOI the 77 Eastern Point Boulevard #28..... (Map 136, Lot 9) - Submitted by Arunas Martinonis to repair septic/build revetment/install dock/ramp/seasonal float in buffer zone and on coastal bank to January 6, 2016 was made by Ms. Charpentier, seconded by Mr. Gradwohl and unanimously approved.

C. NOI: 161, 165 & 171 Atlantic Road #28..... (Map 73, Lots 37, 37, 26) - Submitted by OVL, LLC to construct 4 buildings/4 duplex homes/1 single family subdivision and roadways/multiple driveway and intermittent stream crossing in FEMA flood plain.

Mr. Whittaker stated that he and the applicant were involved in an amicable dispute of the fees necessary and due for consideration of the proposed NOI, and that MassDEP has been asked to decide on the required fees. The fees have not been paid so the NOI must be continued for this if not for other reasons.

Craig Miller Waterfield Design Group Winchester

Mr. Miller stated that it is a redevelopment project. The reduction of impervious will be ½ acre. Flood mitigation is also part of the project as well as invasive species removal.

Mr. Gulla stated concern stating that some of the buildings are touching the resource.

Public comment:

John Bjoirlie Bass Rocks Golf Club

Mr. Bjoirlie stated he had concerns of runoff.

A substantial discussion ensued regarding the proper sequence of permitting for such a large scale project. Mr. Whittaker made the argument that it would be proper under both state and local regulation to await final action by the ConCom until such time that the project had been vetted by necessary other city agencies such as the Planning Board and ZBA. He was concerned that the project is likely to change and therefore that consideration and determination of acceptability by the ConCom would be premature and indeed might have to recommence in the future if the proposed project was, as is likely, were to change. The Commission therefore decided to continue the hearing, with the applicant's concurrence, to await further action to clarify the overall scope of the project.

Motion to continue NOI: 161, 165 & 171 Atlantic Road #28..... (Map 73, Lots 37, 37, 26) - Submitted by OVL, LLC to construct 4 buildings/4 duplex homes/1 single family subdivision and roadways/multiple driveway and

intermittent stream crossing in FEMA flood plain to January 20, 2016 (to provide an opportunity for the applicant to update the Commission on that status of permit applications with other boards) was made by Mr. Feener, seconded by Mr. Gradwohl and unanimously approved with Ms. Jackson abstaining.

Linda Charpentier left the meeting.

VI. OTHER COMMISSION BUSINESS

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

3 Wolf Hill Road – Determination of Resource Area Delineation Status

Michael Faherty explained the site to the commission and stated that it has been professionally surveyed. The lots are isolated wetlands and do not meet the requirement of 1000 cubic feet of water storage. Therefore they are not jurisdictional and do not require a permit from the Commission. The Commission concurred by voice vote.

Minor Modification - #28–2316, 28 Riverside Road, addition of stone retaining wall, rainwater capture system and stone steps.

Mr. Whittaker stated that there must have been an misunderstanding and the applicant is not here this evening.

Mr. Feener voiced concerned that the wall could be bigger than proposed and soils need to be managed. Mr. Whittaker indicated that he will impose several conditions of the Minor Modification including maximizing of height of the wall and minimum area for replanting of grasses and shrubs

Motion to approve the minor modification for#28–2316, 28 Riverside Road, addition of stone retaining wall, rainwater capture system and stone steps was made by Ms. Kwasié, seconded by Ms. Jackson and unanimously approved.

VII. CERTIFICATES OF COMPLIANCE

#28-2235 - 4 Eastern Point Road

#28-2124 - 29 Rockwood Lane

#28-2136 – Atlantic Avenue/Bungalow Road

Motion to approve the Certificates of Compliance for#28-2235 - 4 Eastern Point Road ,#28-2124 - 29 Rockwood Lane, and #28-2136 – Atlantic Avenue/Bungalow Road was made by Ms. Kwasié, seconded by Mr. Gradwohl and unanimously approved.

Motion to adjourn was made by Mr. Gradwohl, seconded by Mr. Feener and unanimously approved.