

CITY OF GLOUCESTER

CONSERVATION COMMISSION

MEETING

WEDNESDAY, January 6, 2016 - 7:00 PM
City Hall, 2nd 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- Agent

Rob opened the meeting at 7:06 pm

I. **ADMINISTRATIVE BRIEFING**

Mr. Whittaker updated the commission on 337 Concord Street reporting that an NOI will be filed by February 4, 2016. He suggested that the commission begin consideration of possible enforcement penalties.

Andrew Campbell 234 East Main Street

Mr. Campbell explained to the commission that he is struggling with getting materials to the site. He would like to build a new wall 3 feet into Smith cove.

Mr. Gulla recommended that the work be done in the spring and that the project will require a new Notice of Intent with no guarantees that it will be approved.

Mr. Whittaker stated that he will have to make a convincing argument that it's the only way to do the project.

NOI: 19 King Philip Road #28-2421 (Map 230, Lot 138) - Submitted by Joseph Bertagna to construct dwelling and appurtenances in riverfront area - discussion of proposed planting plan associated with single family home construction.

Dan Ottenheimer- Mill River Consulting

Mr. Ottenheimer reported that a note has been added to the plan regarding maintenance of the storm water system and a revised planting plan has been submitted. Final drawings of the proposed site layout including conditions requested by the Commission have been submitted and will be incorporated into the Order of Conditions.

Motion to approve 19 King Philip Road #28-2421 (Map 230, Lot 138) submitted by Joseph Bertagna to construct dwelling and appurtenances in riverfront area was made by Ms. Jackson, seconded by Ms. Charpentier and unanimously approved.

II. PUBLIC COMMENT - None

III. MINUTES REVIEW AND APPROVAL - December 16, 2015

Motion to approve the December 16, 2015 minutes was made by Ms. Charpentier, seconded by Mr. Gradwohl and unanimously approved.

IV. Block 1: Continued Projects

- A. 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 requested a continuance to the January 20, 2016 meeting.

Public comment:-

Joseph Leblanc 37 Marble Road

Mr. Leblanc stated that he spoke to fire chief who said the road is too narrow. He alleged this is a life threatening situation because drivers can't see around the corner. The Fire Chief allegedly said the road has to be widened to 20'.

Bonnie Gunn 41 Marble road

Ms. Gunn stated that there was no previous discussion by the Fire Chief regarding widening the road regardless of this project. If the road is widened it will be as part of the ongoing application.

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 20, 2016 was made by Ms. Kwasié, seconded by Mr. Gradwohl and unanimously approved.

- B. NOI: 4 & 6 Eastern Point Boulevard #28-2428 (Map 133, 10 & 26) Submitted by James & Jan Bordinaro for duplex home/common driveway within 3-lot subdivision in buffer zone – discussion of results from site visit and proposed planting plan.**

Attorney Michael Faherty

Mr. Faherty reported that since the last meeting a site visit was held. The work will be out of the wetlands but portions will be in the buffer zone.

Arborists have looked at the trees on site and determined that the large Ash tree near the proposed front driveway root structure is girdling the bottom of the trunk and such that it is unlikely to survive for long and even so may be subject to damage by the invasive ash borer. Any trees with a 6-7 inch diameter that are removed will be replaced 1-1. Mr. Faherty asked to reserve the right to go into the site to remove debris. He also reported that Paul Keene comfortable with storm water analysis

Mr. Feener stated any building near the ash trees will provide further stress on the trees although the pests that affect ash trees (ash borer) do not affect

the type of ash trees on this site, this this should not be a consideration regarding future viability. He asked that a plan be put in place moving forward if any trees are to come down.

The commission discussed at length different tree types and how the trees affect each other on the site and how trees affect the habitat as a whole.

Mr. Gulla requested that placard monuments be placed on the lot every 25 feet to establish permanent boundaries for future homeowners. He stated that the driveway needs to be reduced and be pervious.

The commission discussed the amount of monuments to be placed on the site.

Mr. Feener requested that the notes have more specificity.

Mr. Whittaker stated that DEP comments had not been received.

Mr. Gulla also stated concern that there was not any mitigation for the project, the overall building of the home and the path of water run off during a storm.

He requested that the applicant submit a mitigation plan for habitat, replace any tree canopy that is lost, and provide more detail on infiltration.

Mr. Faherty stated that he did not believe mitigation is necessary and that the proposed monument spacing is too narrow.

Public Comment:

Lillian Olmstead 10 Eastern Point Blvd.

Ms. Olmstead stated that she was concerned that the Planning Board has not approved the subdivision yet and asked why it was being presented to the Conservation Commission first.

Mr. Gulla explained that the applicant can present to the commission but if it changes they will have to come back.

Motion to continue the NOI at 4 & 6 Eastern Point Boulevard #28-2428 (Map 133, 10 & 26) Submitted by James & Jan Bordinaro for duplex home/common driveway within 3-lot subdivision in buffer zone to January 20, 2016 was made by Mr. Gradwohl, seconded by Ms. Charpentier and unanimously approved.

C. 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 – awaiting comments from Mass DEP.

Bill Manuell- Wetlands and Land Management

Mr. Manuell stated mitigation was provided as requested, the raingarden was eliminated and a note was added to the plan to replace two trees (red oak), along with proper soil treatment to overcome the effects of soil compaction.

Public comment: None

Motion to approve the NOI for 88 Holly Street #28-2429 (Map 123, Lot 69) submitted by Jeremy Stahlin to construct addition/garage/deck to existing

home in buffer zone was made by Ms. Jackson, seconded by Ms. Kwasié and unanimously approved.

- D. 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 – awaiting information on advanced septic system and proposed “soft solutions” to proposed tank protection via revetment.**

Dan Ottenheimer- Mill River Consulting

Mr. Ottenheimer reported that the dock configuration has been changed. It has been extended out and floats in 4 feet of water even at low tide. The float is smaller and there is only one. The tie downs have been reduced. Shellfish supports the dock and the DMF also gave approval. The septic system-information was provided to the commission for review as requested. The criterion is met for stabilizing the bank. The goal is to stop the erosion.

Public Comment: None

Motion to approve the NOI for 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 was made by Ms. Charpentier, seconded by Ms. Jackson and unanimously approved.

V. Block II: New Projects

- A. RDA 1476: 34 Dory Road (Map 262, Lot 25) - Submitted by the MBTA for construction of equipment installation of proposed 64 foot concrete pole in the MBTA Right of Way.**

Carolyn Barker-Bowman- Ramaker & Associates, 855 Community Drive Sock City Wisconsin

Ms. Barker- Bowman stated that the work is for improvement to the Rockport train station as part of the Rail Safety Improvement Act. All work will be in pre-disturbed areas.

Public Comment: None

Motion for a Negative Determination for RDA 1476: 34 Dory Road (Map 262, Lot 25) - Submitted by the MBTA for construction of equipment installation of proposed 64 foot concrete pole in the MBTA Right of Way was made by Mr. Gradwohl, seconded by Mr. Charpentier and unanimously approved.

- B. RDA 1477: 262 Magnolia Avenue (Map 207, Lot 24)** - Submitted by the MBTA for construction of equipment installation of proposed 64 foot concrete pole in the MBTA Right of Way.

Motion for a Negative Determination for RDA 1477: 262 Magnolia Avenue (Map 207, Lot 24) - Submitted by the MBTA for construction of equipment installation of proposed 64 foot concrete pole in the MBTA Right of Way was made by Mr. Gradwohl, seconded by Ms. Kwasié and unanimously approved.

- C. RDA 1478: 33 Kondelin Road (Map 197, Lot 9)** - Submitted by the MBTA for construction of equipment installation of proposed 64 foot concrete pole in the MBTA Right of Way.

Motion for a Negative Determination for RDA 1478: 33 Kondelin Road (Map 197, Lot 9) submitted by the MBTA for construction of equipment installation of proposed 64 foot concrete pole in the MBTA Right of Way. was made by Mr. Gradwohl, seconded by Ms. Charpentier and unanimously approved.

- D. NOI: 36 Thurston Point Road #28-..... (Map 98, Lot 61)** - Submitted by Frank Quirk for repair and replacement of an existing pier and concrete supports.

Steven Goodick, 24 Thurston Point Road
Mr. Goodick stated the pier and supports will be rebuilt. The 3 footings currently on tidal flats will remain in same place, posts will be refurbished and strengthened with no increase in footprint in the tidal are.

Public comment: None

Motion to approve the NOI for 36 Thurston Point Road #28-..... (Map 98, Lot 61) submitted by Frank Quirk for repair and replacement of an existing pier and concrete supports to include DMF, Shellfish and Harbormaster comments and conditions was made by Ms. Kwasié, seconded by Ms. Charpentier and unanimously approved.

- E. NOI: 58 Rocky Neck Avenue #28-..... (Map, Lot)** – William Karim proposal to construction of new pier, ramp and float at 58 Rocky Neck Avenue (Map 128 Lots 1 & 2).

Bill Manuell- Wetlands and Land Management
Mr. Manuell reported that the Shellfish Constable and Harbormaster were included in the site visits and had no issues. He explained that the construction will include a 40' long pier, 40' gangway on land, a float (6x20)

and the end float (10x 20) will be in permanent water. The floats will be anchored to existing rocks and the end float anchored to a sinker. There is a significant improvement of the configuration and quantity of floats and almost the entire area overlies rocky intertidal shore; concrete anchors are needed rather than helical because of shallow ledge in the area.

Public comment: None

Motion to approve the NOI for 58 Rocky Neck Avenue #28-..... (Map, Lot) William Karim proposal to construction of new pier, ramp and float at 58 Rocky Neck Avenue (Map 128 Lots 1 & 2) was made by Mr. Feener, seconded by Ms. Kwasi and unanimously approved.

- F. NOI: 41 Farrington Avenue #28-..... (Map, Lot)** - Submitted by John & Mollie Byrnes proposal to remove and replace house in buffer zone to BVW at 41 Farrington Avenue (Map 134 Lot 69).

Bill Manuell- Wetlands and Land Management

Mr. Manuell explained that the project is a tear down and rebuild with most of the work to occur over the footprint of the former house. There is reduction in impervious area with the new design. The terrace will be pervious and 2-1 mitigation to replace tree removal. Limitations on the use of agricultural chemicals will be imposed via the Order of Conditions because of the close proximity of the wetlands

Public comment: None

Motion to approve the NOI for 41 Farrington Avenue #28-..... (Map, Lot)- submitted by John & Mollie Byrnes proposal to remove and replace house in buffer zone to BVW at 41 Farrington Avenue (Map 134 Lot 69) was made by Ms. Charpentier, seconded by Ms. Kwasi and unanimously approved.

- G. NOI: 132 ½ Wheeler Street #28-..... (Map, Lot)** - Submitted by Walter Donovan for the construction of a porch, elevated deck, patio and native landscaping in Riverfront Area.

John Judd- Gateway Consultants

Mr. Judd stated that invasives will be removed. The patio will be pervious bluestone within same footprint and the 10x 16 elevated deck will be pervious. 80 plants have been proposed with a planting schedule. It will be an improvement to the riverfront.

Public Comment: None

Motion to approve the NOI for 132 ½ Wheeler Street #28-..... (Map, Lot) submitted by Walter Donovan for the construction of a porch, elevated

deck, patio and native landscaping in Riverfront Area was made by Mr. Feener, seconded by Mr. Gradwohl and unanimously approved. The project meets the requirements of the Redevelopment Act.

H. NOI: 47 Vine Street #28-..... (Map, Lot) - Submitted by George Nowell for the removal and reconstruction of a new residential dwelling with associated grading drainage and utility installations in Riverfront Area.

John Judd- Gateway Consultants

Mr. Judd explained that it is a riverfront application and the drainage has been approved by the city engineer. The drainage will be part of the mitigation. The structure will be 32x27 with a deck and crushed stone driveway.

Mr. Feener requested that plantings to be placed around the retention basin and along the berm.

Public Comment: None

Motion to approve the NOI for 47 Vine Street #28-..... (Map, Lot) as shown on updated drawings submitted by the applicant, submitted by George Nowell for the removal and reconstruction of a new residential dwelling with associated grading drainage and utility installations in Riverfront Area was made by Mr. Feener, seconded by Ms. Charpentier and unanimously approved.

*The improvement is pulling away from the resource.

VIII. CERTIFICATES OF COMPLIANCE

#28-2142 - 27 Harbor Loop

#28-2343 - 447 Essex Avenue

#28-2150 - 63 Rogers Street

#28-2137 - 730R Washington Street

Motion to approve the Certificates of Compliance for #28-2142 - 27 Harbor Loop, #28-2343 - 447 Essex Avenue, #28-2150 - 63 Rogers Street, #28-2137 730R Washington Street was made by Ms. Kwasi, seconded by Mr. Gradwohl and unanimously approved.

The meeting was adjourned at 9:58 p.m.