

CITY OF GLOUCESTER

CONSERVATION COMMISSION

Meeting Minutes

WEDNESDAY, May 4, 2016 - 7:00 PM
City Hall, 2nd Floor, Kyrouz Auditorium
Robert Gulla Chair

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

Mr. Gulla opened the meeting at 7:03 p.m.

I. ADMINISTRATIVE BRIEFING

1-5 minutes, review of amended, updated or final information, status reviews, modifications, signing decisions, etc.

Rouse Road – Modification to Planting Plan OOC #28-2379

Joel Favazza, Seaside Legal Solutions, 111 Main Street, Gloucester

Mr. Favazza stated that Applicant was looking for signoff on planting plan for property recently purchased. The previous owner had clear cut much vegetation, some of which was in the buffer zone. The previous Order of Conditions required regrowth and replanting of vegetation. Current owner has hired Annisquam Landcare for a two- phase planting plan – would like signoff of Phase 1. He compared the original plan with the new planting plan which was color coded for the two phases. The proposed lawn area much of which is in the original “planting area” is to be planted with Pearl’s Premium eco lawn product having a deep root system to stabilize soil. He stated that the work being done in the buffer zone would not destabilize the bank in any way and would like project approved and proposed a two year run time for compliance.

Alan Sand (?)- Annisquam Lawn Care – Mr. Sand stated that he came up with this design for the Applicant who is committed to environmental stewardship. He mentioned that the current mix of plants in the orange zone is composed of mostly invasive species and to maintain would be too costly both financially and ecologically. He stated the new lawn product is a better option than existing plants, since it grows very slowly with deep roots to stabilize soil.

Mr. Gulla confirmed that a site visit had been made at the property.

Mr. Favazza stated that this plan was a modification to the planting plan only, less cumbersome than entire modification.

The Commission had a discussion concerning whether the new plan should be considered a modification of plan or modification of the Order of Conditions. After

discussion it was determined that it would be considered a modification of the planting plan.

Mr. Feener was not comfortable approving this plan. He was concerned about losing habitat and lack of specifics in the plan, including invasives.

Mr. Gulla asked Mr. Feener if he would approve the plan if the Applicant supplied an invasives inventory and location on plan. Mr. Feener said personally no.

Mr. Whitaker suggested cutting back a little on the plan but limiting new plantings to the jurisdictional area.

Mr. Gulla thought the Applicant was overplanting for their own benefit.

Mr. Gradwohl suggested a continuance.

Mr. Favazza thought waiting would impact the planting season.

Everyone agreed to continue. Mr. Feener would follow up with his comments in time for the next meeting.

Motion to continue the Rouse Road – Modification to Planting Plan OOC #28-2379 to May 18 was made by Mr. Gradwohl, seconded by Ms. Charpentier and unanimously approved.

II. PUBLIC COMMENT - None

III. MINUTES REVIEW AND APPROVAL – postponed

IV. Block 1: Continued Projects

A. NOI: 2 Trenal Way #28-2443 (Map 89, Lot 45) Submitted by Christopher Murphy to construct 3 car garage and breezeway in Riverfront Area. **Applicant requests continuance to May 18.**

Motion to continue the NOI: 2 Trenal Way #28-2443 (Map 89, Lot 45) Submitted by Christopher Murphy to construct 3 car garage and breezeway in Riverfront Area. **to May 18, 2016 was made by Ms. Charpentier, seconded by Ms. Jackson and unanimously approved.**

B. 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. **Applicant requests continuance to May 18.**

Motion to continue the 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.. **to May 18, 2016 was made by Ms. Charpentier, seconded by Mr. Gradwohl and unanimously approved.**

- C. RDA 1484: Gloucester Commuter Rail** - Submitted by Keolis Commuter Services to renew wetlands delineation along Gloucester commuter rail right-of-way – **application on hold pending scheduling of site walk with Agent.**

Motion to continue the RDA 1484: Gloucester Commuter Rail - Submitted by Keolis Commuter Services to renew wetlands delineation along Gloucester commuter rail right-of-way. **to May 18, 2016 was made by Ms. Charpentier, seconded by Ms. Jackson and unanimously approved.**

- D. NOI: Proposed Unit 19, Lot 5, Kennedy Rd. #28-2449 (Map 193, Lot 90)**
Submitted by Magnolia Reach Capital LLC to construct 2-family home and appurtenances in buffer zone.

- E. NOI: Proposed Unit 23, Lot 7, Kennedy Rd. #28-2448 (Map 193, Lot 90)**
Submitted by Magnolia Reach Capital LLC to construct 2-family home and appurtenances in buffer zone.

- F. NOI: Proposed Unit 25, Lot 8, Kennedy Rd. #28-2447 (Map 193, Lot 90)**
Submitted by Magnolia Reach Capital LLC to construct 2-family home and appurtenances in buffer zone.

Mr. Gradwohl recused himself.

Presenter: Charlie Wear, Meridian Engineering

Mr. Wear stated that he represents Larry Smith, the Applicant. Peter Pommersheim from Meridian was also present. Mr. Wear had met with the Commission last month and had a site walk over the three lots (6 units total). The Commission had concerns about stormwater running of the developed areas and also about cutting of the edge of vegetation. He described Unit 19 as being at the very end of the long driveway and noted that there were concerns about some steep grading off the edge of the proposed dwelling and cutting at the edge of the woods there. He stated they have proposed sunken planting areas - the stormwater would be directed down into the sunken planting beds with native species. Another issue after the site walk was conformance with DEP stormwater management rights. The Applicant has addressed this issue with LED credits and disconnecting drainage with sunken beds. He stated that they meet the stormwater criteria for each lot and have provided documentation in support.

Mr. Gulla wanted to know what the gray area on the plan was. Mr. Pommersheim answered that it represented the transplant area and that prior to construction the specimens would be marked, relocated and replanted (gray birch, white pine, mountain laurel).

Mr. Feener approved the like to like planting area and suggested that the maintenance for the rain gardens be included in the condominium documents in perpetuity.

Mr. Wear agreed to include this condition.

Mr. Whittaker wanted to know about fencing restrictions.

Mr. Gulla requested that the Applicant will also indicate in the condominium documents in easily recognizable terms that posts, fences with placards must be maintained, and Mr. Wear agreed and stated he would add notation to this plan in dark lines indicating the edges of lawn and vegetation for contractors.

Mr. Feener requested a letter from Bill Manuell on the stages of construction and that it is being done as designed.

PUBLIC COMMENT: None

Mr. Gulla suggested that the comments should be the same for all three parcels.

Mr. Feener did have a concern with the tree well.

PUBLIC COMMENT: None for any lot

Motion to approve NOI: Proposed Unit 19, Lot 5, Kennedy Rd. #28-2449 (Map 193, Lot 90) Submitted by Magnolia Reach Capital LLC to construct 2-family home and appurtenances in buffer zone **was made by Mr. Feener, seconded by Ms. Jackson. Ms. Charpentier abstained. Mr. Gradwohl recused himself. It was unanimously approved.**

Motion to approve NOI: Proposed Unit 23, Lot 7, Kennedy Rd. #28-2448 (Map 193, Lot 90) Submitted by Magnolia Reach Capital LLC to construct 2-family home and appurtenances in buffer zone **was made by Ms. Jackson, seconded by Ms. Charpentier and unanimously approved.**

Motion to approve NOI: Proposed Unit 25, Lot 8, Kennedy Rd. #28-2447 (Map 193, Lot 90) Submitted by Magnolia Reach Capital LLC to construct 2-family home and appurtenances in buffer zone **was made by Mr. Feener, seconded by Ms. Jackson and unanimously approved.**

Mr. Gradwohl rejoins.

G. RDA 1481: 21 Massasoit Road (Map 231, Lot 16) - Submitted Steven Lambert, Jr. to determine jurisdiction and boundaries regarding resource area.

Presenter: Greg Hochmuth, Williams & Sparages

Mr. Hochmuth presented the project as a large 8.6 acre lot bordering on the Annisquam and is seeking confirmation of the delineation of isolated wetlands. He acknowledged that there were other resource areas on the property. He said they were asked to submit calculations showing the areas that qualify as ISLF under the ordinance. They have done those calculations and submitted them with the watershed plan. Mr. Hochmuth stated that these three areas (a, b, and c) didn't come close to holding the amount necessary to meet the criteria for ISLF. The largest (a) holds .011 acres and would need to hold .25; the second (b) holds .003 acres, and (c) holds .009. These areas were identified as being labeled Series A, Series B and Series C on the plan.

Mr. Whittaker said he had walked the site and was comfortable with the delineation. He had concerns that A was a vernal pool, but vernal pools must be certified according to our local

bylaws to be jurisdictional. It is not certified. He would have liked to see the buffer zone, but don't have a legal basis to demand that the buffer zone be drawn.

Mr. Gulla mentioned that Mr. Feener had done some research and clarified that since they are only asking for specific delineations, they may run the risk of the Board having the right to ask what's going on in the whole parcel should a future project arise and would have to prove jurisdiction if the Board found anything hiding out there.

Mr. Whittaker suggested that the Commission only approve the delineation shown here this evening.

Mr. Gulla suggested that they draw a distinct line and cross-hatch the rest of the lot saying no resource delineation has been made in that area. That way the Commission can always go back and say they haven't approved this delineation area.

Mr. Hochmuth agreed that sounded fair and reasonable.

Mr. Gulla clarified that there was no project proposed at this time, there were isolated areas subject to flooding, not buffer zones. Building could be allowed up to the isolated wetland areas.

No public comment.

Motion for a Negative Determination for RDA 1481: 21 Massasoit Road (Map 231, Lot 16) - Submitted Steven Lambert, Jr. to determine jurisdiction and boundaries regarding resource area was made by Ms. Kwasie, seconded by Mr. Gradwohl and unanimously approved under conditions that the Commission only approves the delineation shown this evening.

V. Block II: New Projects

- A. NOI: 10 Brace Cove #28-2445 (Map 134, Lot 30)** Submitted by Michael Slezak to build detached 2-car garage and walkway/patio in buffer zone.

Presenter: Michael Slezak, 10 Brace Cove

Mr. Slezak stated that Bob Griffin of Griffin Engineering prepared the NOI, but was not present at the time of the meeting. He described the project as replacing three small sheds that have been on the property for about 30 years. He wishes to demolish them and put up a 2-car garage with a studio above in that location with a large rock immediately to the right. He stated that the wetlands were delineated under a previous Order of Conditions for renovation of the house.

Mr. Whittaker stated that this property has been the subject of several Notice of Intentions in the past - demolition of house, sewer line and driveway work. He stated that the entire site is surrounded by wetlands. He asked Mr. Slezak to discuss the size difference of the new vs. the old structures.

Mr. Gulla wanted to know the square footage of the impervious area to be created vs. what is currently there.

Mr. Slezak said he did the calculations but didn't have the figures with him but guessed the new number was about 200 feet larger.

Mr. Gulla said the Commission likes to see mitigation of two times new impermeable area.

Mr. Slezak said that Bob showed an area to do additional planting. The area was overgrown with brambles and they would come back with a planting plan with native species to mitigate.

Mr. Gulla said it appeared to be a reasonable project.

Mr. Whittaker verified from the shown plan an increase of about 500 s.f.

Mr. Feener noticed that the driveway would be extended 900 s.f. feet, would be taking away plantings.

Mr. Gulla clarified that the new driveway would be taking away buffer not wetland.

Mr. Feener wanted the driveway area considered impervious and as to why it needed to be so wide.

Mr. Gulla reiterated that the concern is with the impervious driveway and that the math presented does not work in the environment's favor since the driveway area probably will be compacted within a year and lose permeability. He stated they may want to extend their mitigation protocol. He observed that the planting ratio on this plan was only 1.1.

Mr. Gradwohl wanted clarification of the flagstone patio that was half the size of the garage. There was discussion with the Applicant about the patio/walkway area on the plan and its large size and spacing between flagstones was questioned. Mr. Gulla decided that the Commission would consider it a patio and not a walkway due to its size, and that the Commission will need clarification of the patio and work on mitigation or detailed explanation to re-establish plantings in other areas such as front yard. Since it is surrounded by wetlands, any plantings would be beneficial to the environment.

There was discussion of possibly removing invasives and doing additional plantings as part of mitigation.

Mr. Feener suggested that they could also work on the runoff system they designed – 2 rain barrels and cistern. A rain garden would be beneficial for recharging runoff.

Mr. Slezak was hoping to keep the rain barrels for a vegetable garden.

Mr. Gulla said rain barrels are certainly allowed but fill up.

Mr Feener suggested that the rain barrels run off into the rain garden for a great mitigation opportunity and Mr. Slezak agreed to make that change.

Mr. Griffin arrives.

Mr. Gulla said the project was close, but the impermeable area impacts hadn't been offset yet. The Commission needs 1) a plan to show that the patio is not a patio and 2) come up with bio-retention program such as rain garden to increase the mitigation ratio.

Mr. Gulla suggested removing another shed to reduce impermeable area.

Public comment: None

Mr. Gulla put forward three conditions for this project:

- 1) Mitigation closer to 2:1 Ratio policy;
- 2) Flagstone area outside of garage should have walkway, not patio design
- 3) Bio-retention in lieu of injection into wetland via rain garden or depression along with rain barrels for stormwater runoff.

Motion to Continue NOI: 10 Brace Cove #28-2445 (Map 134, Lot 30) Submitted by Michael Slezak to build detached 2-car garage and walkway/patio in buffer zone **to May 18, 2016 was made by Ms. Charpentier, seconded by Ms. Kwasié and unanimously approved.**

B. RDA 1486: 64 Woodward Avenue (Map 219, Lot 114) Submitted by George and Cynthia Adams to demolish and rebuild garage in Riverfront Area.

Mr. Gulla said that this project should typically be a Notice of Intent because it is a Riverfront Area and he recused himself.

Presenter: Cynthia Adams, 64 Woodward Avenue

Ms. Adams explained that they purchased the home 4 years ago and at that time requested permission for home renovations. They were required to have an approved planting plan. They had that done. It was their intention when financially feasible to replace an existing metal garage/shed that sits partially on their neighbor's property. Renovation of home was done, but not planting. Now that they can afford to replace garage, it made sense to them to do the garage before the planting to reduce damage to plants. They are seeking permission for the garage first and then the planting plan or do the two together.

Mr. Jackson stated that they had three years to do the planting plan per the original Order of Condition.

Ms. Adams wanted it to be clear that a corner of the garage sits on a neighbor's property. Also, the garage is in poor shape and a hazard.

Ms. Jackson wanted to know if the garage would be the same size.

Ms. Adams was hoping to get permission to make it larger for a storage area. The additional area would be 164 s.f. The original requirement of the planting plan was 300 square feet. The landscape designer somehow designed the planting area as 630 s.f., so they have more than covered for that.

Mr. Whittaker stated that the original RDA was to relocate the garage at the same size and then applicant came back for a larger garage.

Ms. Jackson asked how far was the edge closest to the water.

Ms. Adams responded about 65 feet.

Ms. Jackson asked if there was an alternatives analysis.

Mr. Whittaker said he was looking at the project as a replacement i.e. previously developed area. It would be a decision as to increase or not increase, since it is riverfront area, Little River and it would be the Commission's call as to whether an alternatives analysis was needed.

Ms. Jackson wanted to know if the 630 foot planting plan was available.

Ms. Adams said yes.

Mr. Feener asked how much of the garage was on the neighbor's property and if it counted as impervious area. He also wanted to know about the setback.

Mr. Whittaker mentioned that it was a very thin slice, one foot.

Mr. Whittaker stated that regarding a zoning issue, the garage would be grandfathered in for setback.

Mr. Whittaker thought this a plausible argument with built-in mitigation for the previously approved plan.

Public comment: none

Kim Lesko, 66 Woodward Avenue. She stated that she and her husband own three abutting properties, and are in support of the project.

Ms. Jackson suggested that an alternatives analysis is needed for five minute discussion next meeting. Conditions would include standard cleanup, etc. daily cleanup of debris, location of dumpster and that the dumpster be covered.

Ms. Jackson asked the Applicant to write something up showing why it is not practical to build this garage further away from the river and justify why it is best environmentally to have it in that place.

Motion to Continue RDA 1486: 64 Woodward Avenue (Map 219, Lot 114) Submitted by George and Cynthia Adams to demolish and rebuild garage in Riverfront Area **to May 18 was made by Mr. Gradwohl seconded by Ms. Charpentier, and unanimously approved. Mr. Gulla recused himself.**

Mr. Gulla rejoined.

C. NOI: 52 Commercial Street #28-2444 (Map 1, Lot 14) Submitted by My Management Group LLC to remove and replace pier and associated building.

Presenter: Dan O'Connor, Collins Engineering, Portsmouth NH

Mr. O'Connor represented the property owner for this pier which collapsed last summer.

Mr. Whittaker mentioned that this project was at the last meeting for the clean-up and this is a rebuild within the same footprint.

Mr. Gulla wanted to know if Mr. Whittaker had seen the site and they are going through the usual protocol of cutting rather than pulling piles and asked for a description.

Mr. O'Connor stated that the pier had already collapsed and a lot of the debris was already on the bottom and the piles were being cut out and disposed of offsite and further work under the Order will be removing debris and driving new piles

Mr. Gulla said the Commission frowns on the pulling of piers.

Mr. O'Connor stated that some of the piers are wood, some concrete.

Mr. Gulla reiterated not to cut wooden piers, the debris dragged up/suspended is often dangerous for the environment.

Mr. O'Connor agreed to relay that information to the contractor.

Mr. Whittaker stated that not cutting piles was in the previous submission along with the request of a boom to prevent loss of "floatables."

Mr. Whittaker commented that he had a conversation with the neighbor who has a sensitivity to vibration and he noticed that there is a clean break on the pier, and it will need to be maintained.

Mr. Gulla wanted to know if anyone went out to check out the cleanup. He suggested Mr. Whittaker go out within two weeks prior to completion.

Mr. Whittaker set up a time to view.

Mr. Gulla verified that the same company was doing cleanup and reconstruction.

Mr. Feener suggested that a qualified person be on site to answer questions.

Public comment: none

Motion to Approve NOI: 52 Commercial Street #28-2444 (Map 1, Lot 14) submitted by My Management Group LLC to remove and replace pier and associated building **was made by Ms. Jackson, seconded by Ms. Kwasia and unanimously approved with condition of cutting rather than pulling of piers.**

D. RDA 1487: 3 Pond Road (Map 264, Lot 28) Submitted by Cape Ann Transportation Authority to replace pavement on bridge and driveway entrance to bus terminal facility.

Presenter: Paul Talbot, Administrator, Cape Ann Transportation Authority

Mr. Talbot described the project as removal of bituminous concrete trucked off to approved disposal area and repaving.

Mr. Gulla asked if it was just being repaved.

Mr. Feener noted that there was major puddling in road and asked the Applicant to direct runoff so puddling doesn't re-emerge – address plan so that the drain is pitched properly.

Mr. Gulla emphasized that puddling leads to more fracture and creasing, that the runoff plan to included swale on right shoulder.

Mr. Feener suggested that the plan include infiltration or rainwater runoff.

Mr. Whittaker suggested a plan showing a cross-sectional view of the proposed final pavement design with the lower right shuttling water off road to a swale or low spot, requesting some kind of sketch as to size and depth of a run-off ditch for the water to make its way into the pond.

Mr. Gulla suggested that the Applicant wouldn't want to come back again, and suggested fixing the problem with rip rap or stones in the ditch to reduce velocity to the perennial stream, slow the flow down and recharge.

Mr. Feener noted that gases and oils will leak into low spots, so infiltration is important. He stated that this area was a public hazard and the project needed to be approved tonight.

Motion for a Negative Determination for RDA 1487: 3 Pond Road (Map 264, Lot 28)

Submitted by Cape Ann Transportation Authority to replace pavement on bridge and driveway entrance to bus terminal facility **was made by Ms. Kwasie, seconded by Mr. Gradwohl, and unanimously approved.**

E. RDA 1488: 2 Lighthouse Way, Unit B (Map 132 Lot 12B) Submitted by Daniel & Kukamal Ryder to extend fence and remove brush in resource area.

Presenter: Dan Ryder, 2 Lighthouse Way, Unit B

Mr. Ryder stated that he owns the back of duplex condominium. There is an existing 6 ft. solid wood fence running about 75 foot feet long, and existing 6 ft. stockade fence belonging to other condo on the back of the property. He would like to extend the 75 foot fence to about 80 feet.

Mr. Whittaker clarified that the project would entail extending the fence and some vegetation cutting work.

Mr. Gulla wanted to know what would be planted.

Mr. Ryder suggested a row of bushes.

Mr. Gulla recused himself, and would abstain, since he designed the building. He mentioned that there was a perennial stream that runs in back of the property, a sensitive area. He asked what type of fence would be added.

Mr. Ryder said solid wood for privacy.

No public comment

Mr. Gulla said it would make sense to approve the project and suggested that Mr. Whittaker walk the site with the Applicant and come up with a plan, put down stakes for fence and indicate where the plantings would be, a develop a short list of what the plantings will be.

Mr. Whittaker suggested approval of the project upon conditions of fence and submission of planting plan and added that the fence should have clearance at the bottom to allow room for wildlife to travel.

Mr. Feener suggested identification of the brambles currently present. Mr. Whittaker will do so.

Motion for a Negative Determination for RDA 1488: 2 Lighthouse Way, Unit B (Map 132 Lot 12B) Submitted by Daniel & Kukamal Ryder to extend fence and remove brush in resource area **was made by Ms. Jackson, seconded by Ms. Charpentier, and unanimously approved on condition that Mr. Whittaker walks the site. Mr. Gulla abstained.**

F. NOI: 557 Essex Avenue #28..... (Map 236, Lot 46) Submitted by Don & Melanie Burnham to remove 7 cottages and construct duplex home in buffer zone.

Ms. Jackson recused herself.

Presenter: Bill Manuell, Wetlands and Land Management, Danvers, MA

Mr. Manuell described the project as a proposal to remove 7 old cottage buildings part of old Mapleledge motel (not in business for 10 years) and that these 7 buildings and shed will be removed, and all are in close proximity to the wetlands and wetlands have been flagged on both properties

Mr. Gulla inquired about a stream.

Mr. Gradwohl asked if the two pieces are being combined. Some buildings appear to be on two properties. Mr. Manuell said no, that the aerial is inaccurate as far as one of the buildings.

Mr. Manuell stated that the wetlands go along the back of the building, they curve away, and go back to Overlook Drive. A corrugated plastic pipe flows between two buildings and drains more wetlands and runs within 3-4 feet in the back of the cottages. The whole system continues downhill and crosses over Sumner Street. An intermittent stream comes under Overlook Drive and makes way through the wetlands with a defined channel and diffuses through swamp area with more of a defined channel as it approaches Sumner Street. He noted that USGS map just offsite showed perennial stream.

He stated that they noticed that the stream dried up last summer and they found 4 days when the stream on site was dry – also dry on Sumner Street which was indicated as perennial- and he provided photographic evidence and affidavit of observation. Mr. Whittaker had also viewed the dry stream bed with Mr. Manuell and that it was only wet after rain, so based on that evidence that would overcome the presumption of perennial stream.

Mr. Gulla wanted to go on record to say that the culvert flows into a wet area, but we are only approving this specific area in the rear vicinity of the 557 buildings as intermittent.

Mr. Manuell was concerned that not be identified for the area, and Mr. Gulla concurred.

There was Commission discussion and it was decided that the stream was intermittent.

Mr. Manuell stated that they will demo all cottages, take debris off site, and will build the duplex over footprint of driveway. They propose to do work in the open lawn area and won't remove

any vegetation with the exception of one tree and will replant 2:1 in mitigation area on various locations on the property including behind new buildings and in the area of the old ones. He stated that they will be removing impervious area but need to widen paved driveway to 20 feet for fire truck access.

Mr. Gulla said he would need a copy of the fire rule for this access for the record in file.

Mr. Manuell stated that as a result, there would be a net effect increase in impervious area of 1501 s.f. They will remove buildings 4 feet away from the wetlands and add 2250 additional to vegetation buffer for a 1.5x1 mitigation ratio. They will also be treating the stormwater, which currently has no treatment. The buildings will have a drip trench at the rear of the building with a drainage swale to lead into a treatment basin approved by City Engineer.

Mr. Gulla wanted confirmation that the owner of the two properties are the same and Mr. Manuell confirmed. Mr. Gulla suggested that it would be better to strive for 2:1 rather than 1.5: 1 mitigation.

Mr. Manuell countered by saying that his stormwater proposals should be included in the mitigation, but Mr. Gulla said that was a requirement by the town. He wanted to verify how the on-site catch basin was to be maintained.

Mr. Gulla also suggested that since this was a condo, he would like to see operations management showing ownership of each catch basin to ensure that it would not get plugged up.

Mr. Manuell said the catch basin was owned by the City and came off of Essex Avenue.

Mr. Gulla will need documentation in file showing ownership of each catch basin and will need to be maintained by DPW, i.e. City ordinance.

Mr. Gulla also wanted some protection –markings with placard showing wetlands to warn people not to go beyond the area without contacting Conservation.

Mr. Gradwohl would like to see something about dumpster location during construction and deconstruction and that it be covered at night.

Bill Manuell stated that they would be using existing driveway for dumpster.

Mr. Feener would like a line of mitigation plantings behind the garages.

Bill Manuell suggested perhaps a line of plantings along the property lines.

Mr. Gulla noticed a naturally depressed area that would be good for planting to show delineation.

Mr. Feener suggested planting to hide the culvert but not cover it over to protect the culvert from debris.

No public comments

Mr. Gulla is requesting these conditions

1) fire requirement;

- 2) documentation from DPW or State for ownership of culvert
- 3) dumpster location and be covered at night
- 4) mitigation 2:1 or explain to Conservation Agent why not achievable
- 5) replace tree removed with two others

Mr. Feener wants on record that a perennial stream is not present.

Motion to Approve NOI: 557 Essex Avenue #28..... (Map 236, Lot 46) Submitted by Don & Melanie Burnham to remove 7 cottages and construct duplex home in buffer zone **was made by Ms. Kwasié, seconded by Ms. Charpentier and unanimously approved with the aforementioned conditions.**

G. NOI: 92 Leonard Street #28..... (Map 182, Lot 2) Submitted by Sarah Campbell to construct driveway, stormwater system and utilities in buffer zone.

Motion to Continue NOI: 92 Leonard Street #28..... (Map 182, Lot 2) Submitted by Sarah Campbell to construct driveway, stormwater system and utilities in buffer zone **to May 18, 2016 was made by Ms. Charpentier, seconded by Mr. Gradwohl and unanimously approved.**

H. NOI: 8 Sanderson Court #28..... (Map 139, Lot 12) Submitted by David Arnold to convert tennis court to single family home with appurtenances in buffer zone.

Presenter: John Judd, Gateway Consultants

Mr. Judd described the project from Applicant David Arnold proposed dwelling in buffer zone on small narrow road in Lanesville: a new cottage on site of large tennis court 60 x 120 feet long. This lot is one of three lots, all known as # 8 Sanderson Court currently in the assessor records, and the lots will be combined will possibly be assigned by assessor as #6, but can't be sure. The Applicant is proposing a 1500 s.f. dwelling and screen porch on the clay tennis court, the "unused area" of the former tennis court will be taken up and vegetated with lawn area, native grasses, and Applicant is proposing a dwelling with a potable well. They are proposing the sewer connection outside the buffer zone, with a nearest 67 foot distance to the buffer zone.

Mr. Gulla wanted to know if the court was impervious and how old and Mr. Judd guessed about 15 years.

Mr. Feener wanted to know if Mr. Arnold owned the entire property. That was confirmed.

Mr. Gulla wanted to know if the properties would be merged, wanted to make sure everything was included in this application.

Mr. Judd stated that the Applicant is putting the property in a conservation restriction. He clarified that as of this date, according to the assessor's office, the entire property is #8 Sanderson Court.

Mr. Feener received confirmation from Mr. Judd that the Commission was approving the entire property, #8 Sanderson Court and they would not be concerned about the property lines shown.

Mr. Judd confirmed that there would be no development in the future, and that the entire property would be under conservation restriction.

No public comment.

Mr. Gulla appreciated such a small project on such a beautiful site along with the conservation restriction.

Motion to Approve NOI: 8 Sanderson Court #28..... (Map 139, Lot 12) Submitted by David Arnold to convert tennis court to single family home with appurtenances in buffer zone **was made by Ms. Charpentier, seconded by Ms. Jackson, approved unanimously.**

- I. **NOI: 5 Walker Street GWO 16-01 (Map 236, Lot 2)** Submitted by David Jermain to install septic system, renovate house, barn and driveway in ACEC buffer zone under Gloucester Wetlands By-Law.

Mr. Gulla confirmed with Mr. Whittaker that this property was only in ACEC, and this subject only to local by-law jurisdiction.

Presenter: David Jermaine, 121 Western Avenue, Gloucester

Mr. Jermaine stated that he owns and will be moving into this house.

Mr. Whittaker confirmed with the aid of the site plan that the buildings were quite a distance from Walker Creek

Mr. Jermaine showed the septic plan and explained that he would be removing the 250 foot long asphalt driveway and showed the positions and locations of the existing and proposed structures. He explained that the existing septic system failed and they propose the installation of a new Title 5 system which was approved by the City. He would like permission to 1) install the septic system 2) take the driveway up and install a shorter stone driveway in from Great Ledge and 3) take up fence around large gardens, create small lawn area and extended hay field, move and bring the low area approaching Walker Creek up a few feet for a vegetable garden. He wished to take soil from septic system and back driveway to raise that garden area a few feet.

Mr. Gulla asked to see a photo of the diseased maple that was to be cut. The Commission viewed the site photographs.

Mr. Gulla wanted to know if the whole site was in ACEC.

Mr. Whittaker said it was in the buffer zone of ACEC.

Mr. Feener wanted to confirm the square footage of the asphalt driveway that would be taken up.

Mr. Jermaine stated that the driveway was 250 feet long by about 10 feet wide .

Mr. Feener noted that it was an improvement on the riverfront to remove the asphalt driveway.

Mr. Gulla wanted to know if the driveway would be graveled or go natural.

Mr. Jermaine confirmed that he would put loam and grass on the area.

Mr. Gulla received confirmation from the Applicant that he would only be renovating the existing house, not enlarging the footprint and requested that there be a dumpster on site, that it be covered at night, with no piling of debris, use old driveway as marker, with no stockpiling of soil or debris.

Mr. Feener suggested a protective filter material to stop soil migration from raised beds, and Mr. Whittaker identified the product as Mirafi geotextile fabric.

No public comment.

Mr. Feener cautioned the Applicant about making sure no pesticides were used, only organic or natural products.

Mr. Gulla also cautioned the Applicant to be particularly careful in the first 200 foot area near the creek.

Motion to Approve NOI: 5 Walker Street GWO 16-01 (Map 236, Lot 2) Submitted by David Jermain to install septic system, renovate house, barn and driveway in ACEC buffer zone under Gloucester Wetlands By-Law **was made by Ms. Jackson, seconded by Mr. Feener, approved unanimously.**

J. NOI: 337 Concord Street #28-2446 (Map 240, Lot 1) submitted by Jeffrey Roberts to construct playing field, driveway, septic system and plantings in ACEC buffer zone.

Mr. Whittaker explained that the Applicant put together an extensive application with fees that include a delineation of two "upland" wetlands on the site, and he planned to walk the site.

Motion to Continue NOI: NOI: 337 Concord Street #28-2446 (Map 240, Lot 1) submitted by Jeffrey Roberts to construct playing field, driveway, septic system and plantings in ACEC buffer zone to **May 18, 2016 was made by Mr. Feener, seconded by Ms. Jackson and unanimously approved.**

VII. AGENT'S REPORT ON VIOLATIONS

Postponed

VIII. CERTIFICATES OF COMPLIANCE

**640 Essex Avenue 28-1757
3 Welch Lane 28-1933**

Motion to approve the Certificates of Compliance for 640 Essex Avenue and 3 Welch Lane was made by Ms. Charpentier, seconded by Mr. Feener and unanimously approved.

