

CITY OF GLOUCESTER

CONSERVATION COMMISSION

Meeting Minutes

WEDNESDAY, June 1, 2016 - 7:00 PM
City Hall, 2nd Floor, Kyrouz
Auditorium Robert Gulla Chair

Members Present: Robert Gulla (late arrival) - Chair, Ann Jo Jackson- Co-chair , John Feener, Helene Kwasié, Bill Cook, Linda Charpentier, Barry Gradwahl
Staff: Ken Whittaker

I. ADMINISTRATIVE BRIEFING

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

Attorney Favazza reported that the planting plan has been revised and includes 30 additional plantings along the border of the coastal bank. He stated installation of the proposed deep-rooted grass will more than account for restoring the stability of the bank. He stated he would like to start the clock running for phase one but is not sure of when phase two will happen. He wishes Phase I completion to be the basis for issuance of a Certificate of Compliance.

Ms. Jackson stated she would like a report of what has been planted in phase one. She also stated concern that the grasses for the planting plan provides a different environment than what was taken away.

Mr. Favazza stated he was open to changes in the plantings.

Mr. Feener stated that the mitigation area that was damaged should be done first as part of Phase I. The chair gave the opinion that new grass and other plantings meet the relevant performance standard.

Motion to not approve the plan as proposed was made by Mr. Feener. There was no second to the motion.

Motion to accept the plan as proposed was made by Ms. Charpentier, seconded by Mr. Gradwhol and approved by all but Mr. Feener.

II. PUBLIC COMMENT

Bill Whitman

Mr. Whitman submitted a satellite photograph of areas of Cape Ann that have the potential to get flooded and was thanked by the Commission.

III. MINUTES REVIEW AND APPROVAL – March 16, April 6, May 4, 2016

Motion to approve the minutes of March 16, April 6th and May 4th 2016 was made by Mr. Feener, seconded by Mr. Cook and unanimously approved.

IV. **Block 1: Continued Projects**

- A. NOI: 92 Leonard Street #28-2451 (Map 182, Lot 2)** Submitted by Sarah Campbell to construct driveway, stormwater system and utilities in buffer zone.

Dan Ottenheimer- Mill River Consulting

Mr. Ottenheimer stated that a site visit was held and several modifications have been submitted via an updated plan. The walkway is narrower which will allow more native planting; an error has been corrected on the plan regarding the location of the catch basin, new native plantings near the road comprising low height plantings for improved visibility have been added as has additional erosion protection for the catch basin.

Public comment: None

Motion to approve NOI 92 Leonard Street #28-2451 (Map 182, Lot 2) submitted by Sarah Campbell to construct driveway, storm water system and utilities in buffer zone was made by Mr. Feener, seconded by Mr. Cook and unanimously approved. Mr. Gradwohl abstained

- B. 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. – **Applicant requests continuation to June 15.**

Motion to continue the 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 June 15 was made by Ms. Kwasi, seconded by Ms. Charpentier and unanimously approved. Applicant requested continuance as his attorney was not going to be available for the meeting.

- C. NOI: 51A River Road # 28-2453 (Map 118, Lot 71)** Submitted by Paul Hackett to construct concrete pad/install seasonal ramp and float. Applicant requests continuation to June 15.

The Applicant's representative not being present, Motion to continue the NOI 51A River Road # 28-2453 (Map 118, Lot 71) submitted by Paul Hackett to construct concrete pad/install seasonal ramp and float to June 15 was made by Ms. Kwasi, seconded by Ms. Charpentier and unanimously approved.

- D. 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.- **This discussion was postponed until later in the meeting until Mr. Gulla could be present.**

- E. RDA 1490: 16 Fuller Street (Map 166, Lot 28)** – Submitted by Willow Bank Condominium Trust for request for landscape changes in coastal buffer zone.

Doug Cook- 35 Main St Gloucester

Mr. Cook, representing the owners of the property, stated that the home has been divided into condos. The wall needs repair and the plantings above have been overgrown with invasive species, including bittersweet and vines. Old stumps and low lying juniper are also present.

Mr. Feener requested more information as to where the shrubs will be planted.

Mr. Cook stated that the Applicant also wished to make some changes to the landscaping across Shore Road on the coastal bank. The Applicant confirmed that area of sumac on coastal bank would just be pruned but that new plantings would be excluded from interior of the sumac stand to avoid habitat impacts. Applicant agreed that in re-planting new species in the upper bed that the area should be heavily mulched – allowing for run-off water velocity to be controlled by existing wall which is higher than the adjacent ground level.

Public Comment: None

Motion for a Negative Determination for RDA 1490: 16 Fuller Street (Map 166, Lot 28) submitted by Willow Bank Condominium Trust for request for landscape changes in coastal buffer zone was made by Mr. Feener, seconded by Ms. Kwasi and unanimously approved. Mr. Gradwohl abstained, subject to the following conditions:

- 1) No new plantings in interior of sumac area**
- 2) Applicant must submit to the Conservation Agent a program for monitoring and controlling invasive species in all modified planted areas over the next three years with inspection reports submitted to Agent**
- 3) Wall repairs to be completed before work (stump removal, new plants, mulching) in upper bed (i.e. adjacent to top of wall) commences.**

Ms. Jackson recused herself

V. Block II: New Projects

- A. NOI: 25 Salt Island Road #28-.... (Map 176, Lot 81)** Submitted by Robert Morgan for house renovations/add screen porch/rebuild deck in coastal bank buffer zone.

Bill Manuell, Wetlands and Land Management

Mr. Manuell stated that a screen porch has been added over existing deck.

The deck will be expanded with a dormer. Dormer work will be from inside the house. The existing deck will have a new roof and screen porch. There is 373 square feet of new impervious area. The additional deck is on the street side with no roof. All work is in buffer to coastal bank. 630 square feet of mitigation of plantings will be placed near the coastal bank. Commission voiced interest/concerns regarding proper infiltration of runoff from new dormer and stairs and the accuracy of the calculations regarding new impervious area plantings to be added and debris management.

Public comment: None

Motion to approve NOI 25 Salt Island Road #28-.... (Map 176, Lot 81) submitted by Robert Morgan for house renovations/add screen porch/rebuild deck in coastal bank buffer zone was made by Mr. Feener, seconded by Ms. Charpentier and unanimously approved, subject to the following conditions:

- 1) Small infiltration structure or mitigation planting had to be placed in area of runoff discharge from new steps on the rear of the property**
- 2) Conformance to the plan as drawn**
- 3) Planting plan for all other on site mitigation planting to be submitted for approval to the Conservation Agent**
- 4) On-site dumpster limited to landward site of structure and covered at night**

Ms. Jackson rejoined the Commission.

- B. RDA 1491: 12 Shore Road (Map 167, Lot 21) – Submitted by Paul Cohen to make landscape changes in coastal bank buffer zone**
Jack Montgomery – Montgomery Tree
Mr. Montgomery stated that the work is to be done on the garage side. Norway Maples will be removed if they are 3 inches and smaller. All invasives will be cut down or trimmed. Mature native trees will be slightly pruned but not cut. The Applicant will develop a vegetation plan to replace cut trees and revegetate the area over the course of several years. Stumps are to be left in the ground to stabilize the bank.

Public comment: None

Mr. Gulla joined the commission.

Motion for a Negative Determination for RDA 1491: 12 Shore Road (Map 167, Lot 21) submitted by Paul Cohen to make landscape changes in coastal bank buffer zone subject to the conditions above was made by Mr. Gradwohl, seconded by Ms. Charpentier and unanimously approved with Mr. Gulla abstaining.

Ms. Kwasia left the meeting. Mr. Gulla joined the meeting as chair and Ms. Jackson rejoined the meeting.

- C. ANRAD 12 Causeway Street #28-2455 (Map 234, Lot 47) – Submitted by Jay McNiff** for a resource delineation (ANRAD) of bordering vegetated wetlands and buffer zone.

Bill Manuell Wetlands and Land Management

Mr. Manuell stated that he flagged the perimeter of the salt marsh. Areas of the site have been disturbed in the past with fill piles and boulders. There is a ditch on site with water flow. Mr. McNiff requested a site visit to confirm wetlands boundaries. The main purpose of this exercise is to confirm wetland boundaries in this one area of the site for consideration of a proposed entrance roadway. Delineation of other boundaries on the rear of the property near the ACEC may occur at a later time. Mr. Manuell also wanted the ANRAD to confirm the absence of isolated wetland areas in the higher elevations on the site.

Mr. Gulla stated concern with ACEC on the site.

Public Comment:

Kathy Hill, 6 Causeway St

Ms. Hill stated she was happy with the plan.

Mr. Manuell asked for a site visit.

Motion to approve ANRAD 12 Causeway Street #28-2455 (Map 234, Lot 47) submitted by Jay McNiff for resource delineation (ANRAD) of bordering vegetated wetlands and buffer zone was made by Ms. Jackson, seconded by Mr. Gradwhol and unanimously approved, subject to confirmation of “A Series” wetland boundaries by the Conservation Agent. Mr. Gulla requested that all areas of the site not being delineated be shaded to indicate the Commission’s acceptance of the ANRAD does not extend to those areas.

- D. 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.

Mr. Manuell of Wetlands and Land Management Inc. reported that the Applicant has conducted additional studies and hired an expert to resolve questions regarding the issue on whether coastal areas are present on the subject site. He stated his understanding that there was no dispute as to the delineation of the isolated land subject to flooding areas (i.e. the Conservation Agent reviewed the “flagging” and was comfortable with it) but that he had gone out to the site to make observations and take measurements as to

whether these isolated areas were jurisdictional under the Gloucester Wetlands Ordinance (they are not jurisdictional under the State Wetlands Protection Act).

Mr. Manuell explained that he did survey work and determined the maximum water holding capacity (i.e. below indicated high water) in both areas was below the capacity limit necessary to make them jurisdictional under the Gloucester Wetlands Ordinance. One area showed vernal pool characteristics but is not a certified pool and also therefore not jurisdictional.

Les Smith, a coastal geologist, then presented and discussed his report regarding presence of coastal dunes on the property through an analysis of the location of coastal bank, various landforms, bedrock outcroppings, flood plains and estimated sand “veneers” on the property. Mr. Smith concluded that coastal dunes are not present.

Mr. Feener suggested further definition in the report between primary and coastal dune.

Tom Hughes, hired consultant for a group of residents in the vicinity of the site, offered several comments including the fact that isolated areas may be wetlands (rather than ISLF) and therefore jurisdictional and that calculated water capacity may be inaccurate due to part filling/burning and incorrect elevation measurements. He also opined that the area may be considered dune-containing because it borders another coastally connected resource area (Sleepy Hollow Road – Les Smith disagrees) and the depth of sand on the site should be measured before dismissing sand on the site as not meeting the definition of dune. i.e. the “entire geological setting” should be considered.

Additional comments were offered from interested area residents including **Michael McMahon, 9 Digby Lane** - arguments of coastal structure extending to site via Sleepy Hollow Road have merit. He pointed out that previous filings found the ISLF areas to be jurisdictional. He opined that current data is flawed and that one or both areas are jurisdictional by volume. He provided photos showing accumulation of substantial amounts of water in ISLF areas and was concerned that loss of actual volume (reducing it below jurisdictional limits) may have been caused by filling of at least one area by ashes and woodchips (Mr. Manuell countered that calculations were based on surveyed elevations and accumulations of ashes or woodchips were thin and did not measurably impact overall calculation of volume).

Other comments included need to protect the area and an offer to certify the vernal pool, concern that development in this area would exacerbate roadway flooding, encouragement to confirm presence of dunes on property because of current and past appearance and presence of similar dune-like structures in the area, need for third-party expert review and impact of development on wildlife habitat in the area. Many parties were concerned with potential flooding but **Mr. Gulla** explained that this is not an “environmental” issue addressable under Conservation Commission jurisdiction.

VI. OTHER COMMISSION BUSINESS

Extension Permit Request for 114 Wheeler Street #28-2207

Motion to continue the extension permit for 114 Wheeler St for 1 year was made by Ms. Jackson, seconded by Mr. Feener and unanimously approved.