

# CITY OF GLOUCESTER

## CONSERVATION COMMISSION

### MEETING MINUTES

WEDNESDAY, June 22, 2016 - 6:30 PM  
City Hall, 2<sup>nd</sup> Floor, Kyrouz Auditorium  
Robert Gulla Chair

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

Items may be heard out of listed order.

I. **ADMINISTRATIVE BRIEFING**

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

II. PUBLIC COMMENT

III. MINUTES REVIEW AND APPROVAL - May 18, 2016

IV. Block 1: Continued Projects

**A. 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 reported that Attorney Dan Bailey was on vacation, but wetlands scientist will likely be able to submit a new plan for the July 6 meeting.

**Mr. Feener** reminded the Commission that this action was still in response to violation.

**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 July 6 was made by Ms. Kwasié, seconded by Mr. Gradwohl and unanimously approved.**

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

Matthew Lundberg, 21 Middle Street, stood up to oppose the project on his own behalf and that of Anne Meyer. Action was temporarily tabled since Applicant or representative was not present.

- C. **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. Whittaker** gave a review of the expert testimony submitted thus far and discussed possible strategies for soliciting third party expert review. He suggested focusing the review by the previously selected coastal geologist to address questions raised by competing experts about presence of coastal dune, with wetlands scientist reviewed/selected to characterize nature and volume of ILSFs.

**Bill Manuell, Wetlands and Land Management**, Applicant's representative considered this review work to be unnecessary but indicated he would provide all data to the Commission and/or expert and that his client would likely approve a re-do given the anticipated limited scope. Mr. Manuell stated his client will want a representative to be present for all on-site work and will likely choose to conduct any excavation thought to be necessary.

The Commission wants the charge to coastal geologist to be broad enough to provide a comprehensive review of coastal resources on the site (not just answering specific questions regarding presence of coastal dune) noting that some further work may be needed after the initial round of data comes in to address data with information gaps.

**Motion to continue 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 July 6 was made by Ms. Kwasié, seconded by Mr. Cook and unanimously approved.**

**Public Comment:**

**Elizabeth Bayle, 53 Atlantic Road**, says she hopes the Conservation Commission will carefully review the presence of these resources, which once destroyed, cannot be reconstructed; issues have been evident in that area with some wetlands filled by Castlevlew.

**Mr. Whittaker** indicated that the Commission is establishing jurisdiction through its work regarding dunes and ILSF.

**V. Block II: New Projects**

- A. RDA 1492: 69 Rogers Street (Map 10, Lot 30)** – Submitted by Americold to repair piles and decking in Inner Harbor.

**Jonathan Delgado from Marion MA representative**, described maintenance and improvements to existing dock/pier structure, that the work only impacts 30 s. ft. of land under ocean, most of the work is above water line, 160 linear feet pile caps, 240 linear feet beam repair; steel

jackets around pile caps.

**Mr. Feener** suggested carrying over comments from prior application and conditions attached to the original Notice of Intent for similar previous work at this facility. Discussion continued for proposed minor modification for 159 E Main St.

**The Applicant's representative** described work on pile top jackets, i.e. attached supporting top plates on 3 piles with 24 piles needing coatings over previous steel plating.

**Mr. Feener** requested that Applicant submit label for epoxy showing marine use and components and MDS.

**No public comment.**

**Mr. Whittaker** requested documentation of the whole process via photography over time.

- B. Motion for a Negative Determination for RDA 1492: 69 Rogers Street (Map 10, Lot 30) – Submitted by Americold to repair piles and decking in Inner Harbor was made by Mr. Feener, seconded by Mr. Gradwohl and unanimously approved with the conditions that label for proposed coating be supplied and shellfish comments be provided to the Conservation Agent and that prior conditions be carried over.**

**The Motion to Approve the Minor Modification 159 East Main Street –28-2226 was made by Mr. Feener, seconded by Ms. Kwasié and unanimously approved with the conditions that proposed coating be supplied, documentation of levels and process (photographic) and shellfish comments be provided to the Conservation Agent and that prior conditions be carried over.**

- C. NOI: 44 Rowley Shore #28-2457 (Map 142, Lot 37) Submitted by Glenn & Faith Parker to deconstruct/reconstruct home & build garage in coastal bank buffer zone**

**Bill Manuell, Wetlands and Land Management, representative,** noted that the parking on Rowley Shore is problematic. He described the project as taking down the house to foundation level, rebuilding on footprint with 1 bumpout expansion; bridge to 2<sup>nd</sup> floor of house, patio under bridge; plan includes mitigating with 3x times impervious surface The lot is in the V Zone flood plain which extends to the wall supporting wrap around deck.

**Mr. Gulla** questioned amount of pervious vs impervious.

**Mr. Manuell** estimated that the driveway and patio are pervious. Mr.

Manuel stated no blasting would be necessary, will pin to ledge; drainage through house will with new construction be now around house via drains; native plant species to be used.

**Mr. Feener** stated that the area under the drive is compacted gravel, and therefore not pervious.

**Mr. Gulla** suggested it be changed to crushed stone.

**Mr. Manuell** claimed it is not like Linpak, is pervious, but in any event, will also have drain at end of driveway.

**Mr. Feener** wanted to have maintenance plan as to how areas of infiltration will be kept open and to have Applicant plant pockets, if able to, where water starts to run off (keep away from resource area).

#### **Public Comment.**

**Abutter at 23 Rowley Shore** noted that her view would be blocked by garage, similar to recent houses built which affect view and could affect wetlands.

**Kim Thurber, 19 Rowley Shore**, asked how will STEP tank be relocated without blasting.

**Lynn Frick, 27 Rowley Shore**, questioned the height of retaining walls and the Applicant agreed to keep plants low to protect the view and confirmed there would be no blasting to STEP tank, possibly hammering and landscaper does intend to amend soil so the area functions as rain gardens where possible.

**Mr. Gulla** reported that pervious/impervious calculations need clarification, with possibly some re-determination of some areas that are truly impervious, ensure math and driveway detail are accurate, create velocity reducing discharges in form of rain gardens where possible.

**Mr. Feener** stated that a planting plan will be needed prior to approval.

- D. Motion to continue the NOI: 44 Rowley Shore #28-2457 (Map 142, Lot 37) submitted by Glenn & Faith Parker to deconstruct/reconstruct home & build garage in coastal bank buffer zone to July 6 was made by Ms. Charpentier, seconded by Ms. Kwasié and unanimously approved.** Continue to next meeting July 6 – moved by Charpentier, seconded by Kwasié; discussion – Feener: what if issue arises, move to time slot rather than 6:30 hearing; motion passes unanimously.

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

Mr. Gulla noted that no representative was present and that any comments should be submitted in writing.

**D. 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 July 6 was made by Mr. Gradwoh, seconded by Ms. Charpentier and unanimously approved.**

**E. NOI: 55 Wingersheek Road #28-2458 (Map 258, Lot 8)** Submitted by Linda and Brian Sullivan to remodel existing house and expand deck in ACEC area.

**Mr. Gulla recused.**

**John Judd, Engineer - Gateway Consultants**, described the project as extension of pervious deck with 3/8" spacing on original and on extension. A concrete pad of old stairs to be broken up, stairs moved, and a new concrete pad on the landward side (front of the house); dune grass planting above septic system as mitigation has already been done and should serve as mitigation; crushed stone will be around posts to capture sand, roots of existing vegetation at edge of deck not to be disturbed.

**Motion to Approve the NOI 55 Wingersheek Road #28-2458 (Map 258, Lot 8) submitted by Linda and Brian Sullivan to remodel existing house and expand deck in ACEC area was made by Mr. Feener, seconded by Ms. Kwasi and unanimously approved as proposed with conditions that roots not be disturbed in vegetation cut back for new deck (if needed, relocate footing or plant mitigation 2:1 if roots are impacted) and plants removed from front area to allow walkway to be replicated on outside of new addition.**

**Mr. Gulla rejoined commission.**

**F. RDA 1493: 128 Wheeler Street (Map 99, Lot 45)** Submitted by Stephen Arena to repair existing seawall in Riverfront Area.

**Mr. Whittaker** explained that this was an after fact permit, that the Applicant was apologetic and cooperative, had tarps down, peastone behind wall, all in order. Vegetation is planted above the wall and no runoff to the river was observed after recent heavy rains.

**Mr. Feener** requested that a diagram of weepholes be submitted to the Conservation Agent.

**G. Motion for a Negative Determination for RDA 1493: 128 Wheeler Street (Map 99, Lot 45) submitted by Stephen Arena to repair existing seawall in Riverfront Area was made by Ms. Jackson, seconded by Ms. Carpentier and unanimously approved with the conditions that weepholes diagram be submitted to Agent.**

**H. NOI: 74 Woodward Avenue # 28..... (Map 230, Lot 88)** Submitted by Rebecca Hill to build 250 s.f. stand-alone deck in Riverfront Area.

**Mr. Feener recused himself.**

**Mr. Whittaker** described the project as an observation deck on undeveloped site.

**Alex Hill (son of applicant) represented.** He described the 16 x 16 deck, 20' from high water, 69' from road; 3 trees, 1 dead, to be removed.

**Mr. Gulla** explained that undeveloped riverfront is sensitive and highly protected. He proposed adjustments to leave the trees and to get arborist confirmation of dead one, which can be removed.

**Ms. Jackson** questioned whether 2:1 mitigation could be accomplished.

**Mr. Gulla** asked if the deck could be built around viable trees.

**Ms. Jackson** suggested that the deck must be conditioned to remain pervious.

**Mr. Gulla** said 2:1 replacement could be acceptable but he preferred the deck smaller or build around trees.

**Mr. Cook** suggested that if any trees were removed, to leave stumps.

#### **Public Comment**

**Andy Leaman (brother-in-law, landscaper)** said he would like to remove trees, plant blueberry bushes, etc.

**Mr. Gulla** proposed leaving the good trees, take down identified dead one, leave stumps, with a directive that no good trees be removed.

**Mr. Leaman** suggested that the deck be put on ground level supports (no sonotubes) which the Commission thought would allow characterization as a temporary structure.

**I. Motion to Approve the NOI: 74 Woodward Avenue # 28..... (Map 230, Lot 88)** Submitted by Rebecca Hill to build 250 s.f. stand-alone deck in Riverfront Area **was made by Ms. Charpentier, seconded by Mr. Cook and unanimously approved as proposed with conditions that the dead tree may be cut to ground level if proven dead, and no good trees be removed.**

**Mr. Feener rejoins commission.**

**J. NOI: 273 Concord Street #28-2459 (Map 249, Lot 43)** Submitted by Theodore & Robin Smick to reconstruct pier/ install seasonal ramp and float in ACEC area.

**John Judd, Gateway Consultants**, representing the Applicant, described the 15 acre parcel where the Applicant is proposing to replace an existing pier above the mean high water mark. Mr. Caulkett and Mr. Sargent asked the Applicant to reorient pier for less vegetation impact and improved access; float to be narrower and longer.

**Mr. Whittaker** showed pictured of proposed orientation, remains of old dock; and near dry conditions at low tide.

**Mr. Gulla** clients know this is a sensitive ACEC area.

**Mr. Judd** noted that much of the land is under Conservation restriction with Greenbelt.

**Mr. Whittaker** reported that the dock is allowed under language of the conservation restriction

**Mr. Judd** proposed a helical anchor system, 3 strand nylon if helical can't be used due to shallow boulders/ledge.

**Mr. Gulla** stated lots of conditions to be applied as documented in 6/13/16 email from Applicant Smith.

**Motion to Approve NOI: 273 Concord Street #28-2459 (Map 249, Lot 43)**

Submitted by Theodore & Robin Smick to reconstruct pier/ install seasonal ramp and float in ACEC area made by Mr. Gradwohl, seconded by Mr. Cook and approved unanimously.

VI. OTHER COMMISSION BUSINESS

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

**Minor Modification 159 East Main Street –28-2226 – discussed earlier in meeting**

**Minor Modification 124 Wheeler Street – 28-2441**

**Mr. Whittaker** reported no addition of impermeable area, basically just step repair and re-mortaring of well in Riverfront Area

**Motion to Approve Minor Modification 124 Wheeler Street – 28-2441** made by Mr. Feener, seconded by Ms. Jackson, approved unanimously with any prior conditions carried over.

**Minor Modification 372 Magnolia Avenue – 28-2002**

**Mr. Whittaker** explained the Little River project, the proposed viewing stand, 6 ft. by 6 ft, with conventional lumber and well above the water level. This is to be an Eagle Scout project which will likely reduce soil compaction and vegetation loss in the immediate area of stream.

**Motion to Approve Minor Modification 372 Magnolia Avenue – 28-2002**  
made by Ms. Jackson, seconded by Ms. Carpentier, approved unanimously.

**Extension Permit (2 years) 137 Wingersheek Road – 28-2148**

**Mr. Whittaker** explained that this is an extension under local bylaw and wetlands protection act for one of “the castles” at the end of Wingersheek Road.

**Mr. Gulla** proposed limiting to a one-year extension.

**Motion to Approve Extension Permit for 137 Wingersheek Road – 28-2148 for one year** made by Ms. Kwasié, seconded by Ms. Carpentier, approved unanimously.

VII. AGENT’S REPORT ON VIOLATIONS

9 Stuart Road

Mr. Whittaker made a call to the Environmental Police in response to backhoe taking out invasives at the edge of the marsh. They shut down the operation and are coming in to file.

Thompson Reservation - **Mr. Whittaker** stated that the City reported extensive damage, we know who did it, have photos and will do an enforcement order

VIII. CERTIFICATES OF COMPLIANCE

28-474 29 Old Salem Road - re-issue of previously approved Certificate of Compliance

28-2345 486 Washington Street

Motion to Approve Certificate of Compliance for 486 Washington Street moved by Ms. Kwasié, seconded by Ms. Jackson, approved unanimously

VIV. OTHER

Pole Hill Reservation - volunteer efforts and signage

Mr. Whittaker discussed signage and volunteer efforts at Pole Hill Reservation, possibly using Commission funds.