

**CITY OF
GLOUCESTER
CONSERVATION COMMISSION
Minutes**

**WEDNESDAY, July 20, 2016 – 6:30 PM
City Hall, 2nd Floor, Kyrouz
Auditorium Robert Gulla
Chair**

**Members Present: Robert Gulla- Chair Ann Jo- Co Chair, John Feener, Bill Cook, Barry Gradwhol, Helen Kwasia, Linda Charpentier
Staff: Ken Whittikar**

- I. PUBLIC COMMENT- None**
- II. MINUTES REVIEW AND APPROVAL –
Motion to approve the minutes of June 1 & June 22, 2016 was made by Ms. Kwasia, seconded by Ms. Charpentier and unanimously approved.**

Rob Gulla joined the meeting.

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.**

**Attorney Dan Bailey, Pierce Atwood LLP
Curt Young, Wetland Preservations Inc.**

Mr. Young stated that revised plans have been submitted and that the barn was added back in. Expanded planted beds have been designated on the plan and cedar trees were placed on the side of the road for screening.

Mr. Whittaker reported that he was called out to the site again because of a violation. There is a cease and desist order in place. Filling work was done on the trails that are in buffer zone to the ACEC. It raises the issue of the enforcement order. It is difficult to evaluate this plan in light of the fact that there are now several enforcement issues related to continuing violations. Mr. Whittaker suggested that the Commission defer judgement on the plan and meet in executive session as litigation related to the enforcement may be involved.

Public Comment:

Michelle Smith, 299 Concord Street, Gloucester

Ms. Smith stated that no one asked for a row of cedars but abutters in general wish for the wall to come down.. Ms. Smith stated that the Applicant is not a good neighbor to anyone and that she is amazed at how much the owner of the property has done without following the rules.

David Marsh, 367 Concord St, Gloucester

Mr. Marsh stated his opinion that the case should be viewed as a challenge to the Commission's authority. He also stated his concern about the runoff to Walker Creek, the possible pollution associated with that runoff and how it will be controlled.

Betsy Holdsworth, 293 Concord Street, Gloucester

Ms. Holdsworth stated concern for the marsh and that the stone wall should come down. She stated as well that her concern is that a large proposed addition to the house in very close proximity to the ACEC appears to be planned based on the very large septic system that was recently installed. She gave the Commission the plans for the referenced septic system.

Dan Greenbaum, 318 Concord Street, Gloucester

Mr. Greenbaum pointed out that in the written comments and Commission comments that the revised plans presented today do not accomplish what was requested. The barn as placed in the plan requires an alternative analysis. He reported that further letters have been submitted in opposition to the revised plans and several neighbors had unannounced visits from the applicant threatening to sue.

Cynthia Spreer, 301 Concord Street, Gloucester

Ms. Spreer stated that there has been an egregious violation and what was proposed tonight is not fixing the problem.

Close public comment period

Mr. Young stated that the extent of recent filling on trails has not been delineated and an update will be available in the upcoming meeting. Erosion controls will be put in place.

Mr. Gulla stated that this project is not headed in the right direction in any way.

Motion to continue to August 17, 2016 was made by Ms. Charpentier, seconded by Mr. Gradwhol and unanimously approved.

Motion to continue to August 17, 2016 for an Executive Session for a discussion regarding Enforcement procedures was made by Ms.Kwasie, seconded by Ms. Charpentier 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.
Applicant requests continuation to August 3, 2016 meeting.

Motion to continue 51A River Road # 28-2453 (Map 118, Lot 71) to August 3, 2016 was made by Ms. Charpentier, seconded by Ms. Kwasié and unanimously approved.

- 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 – **continuing discussion of third party review.**

Mr. Whittaker reported that a bid has been received from a civil engineer but has not been shared with the Commission. Acquiring a wetland scientist for third party review has not been completed yet.

Motion to continue ANRAD: 30, 48 and 50 Atlantic Avenue #28-2413 (Map 257, Lots 167, 202 and 201) to August 3, 2016 was made by Ms. Charpentier, seconded by Ms. Kwasié and unanimously approved.

- D. 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.

Motion to continue NOI 44 Rowley Shore #28-2457 (Map 142, Lot 37) to August 3, 2016 was made by Mr. Cook, seconded by Ms. Charpentier and unanimously approved.

V. Block II: New Projects

- A. NOI: 6 Seaview Road #28-2466 (Map 75, Lot 52)** - Submitted by Erik Anderson to replace septic system in buffer zone.

Dan Johnson, septic designer

Mr. Johnson stated that the septic leach field area is on a separate parcel of land from the house. There are separate leaching fields from several homes in the area on this piece of land. The new system for 6 Seaview is 52' x12' in size and is 19 feet from the wetland. The lot is very restrictive. The Board of Health has approved the plan.

Mr. Feener asked for additional assurances to be in place to protect the environment on the downward slope leading to the wetland.

Mr. Whittaker stated the site for the septic is heavily vegetated although with a large percentage of invasive species.

Mr. Gulla stated that the vegetation has value and a formal planting plan must be submitted.

Mr. Whittaker stated that this system is being placed in this area close to the wetland because there is nowhere else it can be constructed. Ledge is high in the area and several homes have “septic siting” problems and that the only alternative would be a tight tank.

Public comment: None

Motion to continue NOI 6 Seaview Road #28-2466 (Map 75, Lot 52) to August 3, 2016 was made by Ms. Charpentier, seconded by Mr. Gradwohl and unanimously approved.

- B. NOI: 932 Washington Street #28-2472 (Map 139, Lot 2) - Submitted by Charter Contracting Co. LLC to prepare/restore area for bulk transfer and storage of harbor remediation materials.**

Jeff Hebb- Charter Contracting

Mr. Hebb stated that the site will be used to stockpile material; 7000 tons of material over several months. It will be moved by barge. October through December will be the heaviest of the months. A portion of the land will be used for a main fill area.

Public Comment

Toby & Ed Whol

Mr. Whol stated he lives across from Hodgkin’s Cove and a prior trustee of a trust. He claimed that notice was not received regarding this hearing, but it was subsequently agreed to that notice was sent to the trust’s current mailing address in Gloucester records.

Mr. Wohl stated that there is a restriction on the property which controls use and arguably would prohibit the proposed use. The restriction was read into the record. He noted that the project may have significant impacts on the environment. It is filled land and at low tide there are shellfish beds, eelgrass etc. The area is used for lobstering, clamming, and migratory bird group stopovers. The Rivers Act may come into play, as it appears that a perennial stream discharges in the area. Materials that are being placed on the land could affect the area and destroy the wildlife habitat. He stated that this is a change of use for this land and a Chapter 91 license may be needed.

Other abutters voiced concerns about the comprehensiveness of the notification process for this project, including an analysis of alternate potential sites.

Ms. Jackson stated that she is not sure that the work can be allowed given the referenced deed restriction.

Mr. Feener and Ms. Kwasié requested a letter from the Commonwealth giving permission for this project.

Motion to continue NOI 932 Washington Street #28-2472 (Map 139, Lot 2) to August 3, 2016 was made by Ms. Charpentier, seconded by Ms. Kwasié and unanimously approved.

Mr. Gulla recused himself.

- C. NOI: 125 Wingersheek Road #28-2471 (Map 260, Lot 5)-** Submitted by Lawrence Costa to remove and replace home and septic system in coastal buffer zone.

John Judd, Gateway Consultants

Mr. Judd described the project, which consists of a significant expansion of area in a single family home, stating that the entire site is in a National Heritage area. There is a net increase of 622s.f. of impervious associated with the new/modified dwelling compensated by American dunegrass plantings at a ratio of 2:1 to new impervious area.

Public Comment:

Mary Rimmer, Rimmer Environmental Consulting

Ms. Rimmer, consultant for an abutter, stated concern with impacts to coastal dune. She expressed concerns regarding sand flow and migration in the dune area. The walkway on the deck is in a velocity zone and it is being expanded. She suggested a site visit might be helpful to the Commission.

Terry Ryan, 121 Wingersheek Road, Gloucester

Ms. Ryan stated that she was not notified of this project. She asked if the project has a basement. She noted that the new deck appears to be going closer to the primary dune. There are several concerns to consider; wind impact, sand migration, and mitigation needs to be kept on the property.

Fred Daley, 123 Wingersheek Road, Gloucester, opined that the sand and the dunes will be impacted by the size of the home.

Kathleen Daley, 123 Wingersheek Road, Gloucester

Ms. Daley stated she was not notified and would like time to review the plan and is concerned with potential erosion problems once the home is built.

Mr. Whittaker confirmed that mailings had gone out to all mailing addressed

provided in City records for these properties.

Motion to continue NOI 125 Wingersheek Road #28-2471. (Map 260, Lot 5) to August 17, 2016 was made by Mr. Feener, seconded by Mr. Gradwohl and unanimously approved.

- D. NOI: 5 Lupine Lane #28-2467 (Map 108, Lot 16) – Submitted by Brier Development LLC for invasive species removal and replanting program.**

John Judd, Gateway Consultants

Mr. Judd explained that it is a 2½ acre lot. Invasive species will be removed. A list of the trees to be removed was submitted. Numerous trees and shrubs will be added to replace the invasive trees and shrubs that will be removed.

Kevin Whitcher, 106 Concord Street, Gloucester

Mr. Whitcher reported that choke cherries, Norway Maples, bittersweet, and poison ivy cover the area and that 90% is comprised of Norway Maples.

Mr. Feener reviewed the overall plans for invasives removal and new plantings and stated he would like to do a site walk to work things out for the planting.

Mr. Whittaker agreed to facilitate setting up the site visit.

Public comment: None

Motion to continue 5 Lupine Lane #28-2467 (Map 108, Lot 16) to August 3, 2016 was made by Ms. Kwasié, seconded by Ms. Charpentier and unanimously approved.

Mr. Gulla returned to the meeting.

- E. Request to Amend NOI: 124 Wheeler Street #28-2441 (Map 99, Lot 43) - Submitted by Stephen Arena request to raze approved single family home in in Riverfront area. (If time allows – otherwise applicant consents to a continuance until August 3 meeting).**

Motion to continue request to Amend NOI 124 Wheeler Street #28-2441 (Map 99, Lot 43) to August 3, 2016 was made by Ms. Charpentier, seconded by Ms. Jackson and unanimously approved.

- F. NOI: 3 Toronto Avenue #28-2468. (Map 136, Lot 54) – Submitted by Michael Godfrey to construct single family home and appurtenances in buffer zone.**

Dan Ottenheimer, Mill River Consulting, Gloucester

Mr. Ottenheimer reported that the site is 13 acres with isolated wetland on

the east side. The Board of Health has approved the septic and there is a well in the back yard. No work will be done in the resource but only in the buffer. A blasting plan has been submitted and the mitigation plan includes a raingarden, swale, and undisturbed area; 6000 s. f. of the site will remain as undisturbed protected area.

Mr. Feener requested that a parking area be designated for all vehicles to control mud erosion onto Toronto Avenue, including a “drainage area” on the street end of the driveway. A maintenance plan must be submitted for the drainage areas to ensure continued adequate functionality.

Public comment: None

Motion to approve NOI: 3 Toronto Avenue #28-2468 (Map 136, Lot 54) was made by Mr. Feener, seconded by Ms. Jackson and unanimously approved.

- G. NOI: 79 Eastern Point Boulevard #28-2469 (Map 136, Lot 8) –**
Submitted by Joseph Hadley to repair of seawall in coastal buffer zone.

David Smith, GZA

Mr. Smith explained that in 2012 due to poor workmanship and lack of maintenance on the wall, sections of the patio wall failed in 2016. He explained that work will be done from the existing stone patio using a backhoe type of apparatus. Wall repair is to be done by hand and with an excavator/backhoe to be brought out by barge and placed on site. Mortaring is to be done by hand. The barge will be moved offshore when not working. The Commission determined that the work should proceed on the basis of conditions that had previously been identified for similar work on the site.

Public comment: None

Motion to approve NOI 79 Eastern Point Boulevard #28-2469 (Map 136, Lot 8) was made by Ms. Charpentier, seconded by Mr. Gradwohl and unanimously approved.

The Agent was instructed to use the same conditions on this Order as has been applied for previously similar work at this site.

- H. NOI: 75 Essex Avenue #28-2470 (Map 217, Lot 23)-** Submitted by Cape Ann Marina LLC to enclose deck/expand deck in Riverfront Area.

David Smith, GZA

Mr. Smith explained that the river deck is to be enclosed and the bridge deck to be expanded by about 210 square feet and also covered but not enclosed. All work is to be done “over the water.” The structure/facility has

a long standing Chapter 91 license.

Public comment: None

Motion to approve NOI: 75 Essex Avenue #28-2470 (Map 217, Lot 23) was made by Ms. Jackson, seconded by Mr. Feener and unanimously approved with condition that Applicant must supply a trash prevention/maintenance plan description to ensure no trash or debris is dumped or spilled into the river.

- I. **RDA 1495: 246 Western Avenue (Map 204, Lot 26) – Submitted by Mark Dobson for invasive species removal and replanting in buffer zone. Applicant requests continuation to August 3, 2016 meeting.**

Motion to continue RDA 1495: 246 Western Avenue (Map 204, Lot 26) to August 3, 2016 was made to Ms. Jackson, seconded by Ms. Charpentier and unanimously approved.

- J. **RDA 1496: 10 Bass Avenue (Map 50, Lot 28) – Submitted by Anthony Bunker to create tree/vegetable/flower garden in open field buffer zone. Applicant requests continuation to August 3, 2016 meeting.**

Motion to continue RDA 1496: 10 Bass Avenue (Map 50, Lot 28) to August 3, 2016 was made by Ms. Jackson, seconded by Ms. Charpentier and unanimously approved

VI. **CERTIFICATES OF COMPLIANCE**

#28-2152 – 74 Holly Street
14 Vine Street

Motion to approve the Certificates of Compliance for 74 Holly St and 14 Vine St was made by Ms. Jackson, seconded by Ms. Charpentier and unanimously approved.