

# **GLOUCESTER CONSERVATION COMMISSION MEETING**

**WEDNESDAY, September 21, 2016 – 6:30 PM  
City Hall, 2<sup>nd</sup> Floor, Kyrouz  
Auditorium Robert Gulla Chair**

Members Present: Robert Gulla, Chair, Ann-Jo Jackson, CoChair, Helene Kwasia, Bill Cook, Barry Gradwohl, John Feener, Linda Charpentier  
Staff: Ken Whittaker, Agent

**I. PUBLIC COMMENT- None**

**II. MINUTES REVIEW AND APPROVAL - August 3, 2016**

**Motion to approve the minutes of August 3, 2016 was made by Ms. Kwasia, seconded by Ms. Jackson and unanimously approved. Mr. Gradwohl abstained.**

**III. Block 1: Continued Projects**

**A. 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. **Continued to October 19, 2016.**

**Motion to continue the NOI 125 Wingersheek Road #28-2471 (Map 260, Lot 5) to October 19, 2016 was made by Ms. Kwasia, seconded by Ms. Charpentier and unanimously approved.**

**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.

**Kirk Young Wetland Preservation Inc.**

**Mr. Young** reported to the commission that the stormwater management and barn information was submitted. The 70 foot parking area will be pervious. A long term maintenance plan was submitted for the proposed fuel and equipment storage in the proposed barn within Riverfront Area. The Alternative Analysis was reviewed with the Commission. The Applicant claims the present location is the optimal location for the field. He stated that instead of red cedar trees, apple trees will be planted.

**Attorney Dan Bailey- Pierce Atwood**

**Attorney Bailey** stated that the site should be considered as a new agricultural activity and riverfront rules do not apply. The Commission indicated some skepticism as to whether the minimal amount of replanting would constitute an agricultural exemption for the property.

## **Public Comment**

### **Stacy Fisher, 320 Concord Street**

**Ms. Fisher** stated that the last NOI submitted on April 13, didn't have a barn and pervious surfaces so it doesn't match the current site plan. She questioned many issues with the NOI including:

- Why the area wasn't consolidated to keep a lot of the building out of sensitive areas
- the use and structure of the barn
- Questioned the newly formed trails and whether the work constituted a violation of the Wetlands Protection Act.

She stated that a performance bond provision should be put in place to ensure that any conditions are fully complied with.

### **Charlotte Chain, 310 Concord Street**

**Ms. Chain** asked for the status of the restoration project and the fines.

### **Dennis McKirk, 283 Concord Street**

**Mr. McKirk** questioned the need for a football field and is concerned with noise, lights, traffic.

### **Dan Greenbaum, 318 Concord Street**

**Mr. Greenbaum** stated that this is an incomplete application and the conditions that need to be made should be accompanied by a performance bond. The work has to be monitored. The Alternative Analysis is insufficient and in his opinion the barn can be moved outside of the Riverfront Area.

Ms. Kwasié left the meeting.

**Motion to close the public hearing NOI 337 Concord Street #28-2446 (Map 240, Lot 1) was made by Ms. Charpentier, seconded by Mr. Gradwohl, and unanimously approved. Mr. Cook abstained.**

**Motion to Enter into Executive Session was moved, seconded and approved by unanimous roll call vote.**

The Commission subsequently returned to open session.

The Commission reported that it would at its next meeting be approving a final decision on this matter, which would involve an order with conditions. Mr. Whittaker was instructed to draft proposed conditions for review and approval by the Commission.

- 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 – Continued to October 19, 2016.

**Motion to continue the ANRAD: 30, 48 and 50 Atlantic Avenue #28--2413 (Map 257, Lots 167, 202 and 201) to October 19, 2016 was made by Ms. Charpentier, seconded by Ms. Kwasié and unanimously approved.**

- D. Request to Amend NOI: 124 Wheeler Street #28-2441 (Map 99, Lot 43)** Submitted by Stephen Arena request to raise approved single family home in in Riverfront area. Applicant requests continuance to October 5, 2016.

**Motion to continue the request to Amend NOI 124 Wheeler Street #28-2441 (Map 99, Lot 43) to October 5, 2016 was made by Ms. Charpentier, seconded by Ms. Kwasié and unanimously approved.**

- E. RDA 1495: 246 Western Avenue (Map 204, Lot 26)** – Submitted by Mark Dobson for invasive species removal and replanting in buffer zone. Project re-submitted as an NOI – Applicant requests continuance to October 5, 2016

**Motion to continue the RDA 1495: 246 Western Avenue (Map 204, Lot 26) to October 5, 2016 was made by Ms. Charpentier, seconded by Ms. Kwasié and unanimously approved.**

- F. NOI: 29 Marble Road #28-2486 (Map 75, Lot 42)** – Submitted by Barry Lichtenstein to widen existing roadway on property in buffer zone. Applicant requests continuance to October 5, 2016.

**Motion to continue the NOI: 29 Marble Road #28-2486 (Map 75, Lot 42) to October 5, 2016 was made by Ms. Charpentier, seconded by Ms. Kwasié and unanimously approved.**

- G. NOI: 279 Concord Street #28-2480 (Map 249, Lot 15)** Submitted by Grant Clark for substantial tree and vegetation pruning in ACEC buffer zone

**Mr. Feener** asked that the narrative of the proposed tree cutting/pruning plan be submitted along with a summary of techniques and pruning standards that will be applied.

**Grant Clark, 74 Concord Street**

**Mr. Clark** stated that the language of the narrative as discussed on the site visit will be revised. The large pine removal has been put on hold at this time. The work will consist primarily of thinning and limited “topping” of trees to enhance the view. There will be some thinning of trees on the lower slope to promote healthier tree growth. The proposal will be resubmitted with the revised language.

**Public Comment: None**

**Motion to approve the NOI 279 Concord Street #28-2480 (Map 249, Lot 15) was made by Mr. Gradwohl, seconded by Ms. Charpentier and unanimously approved. Ms. Jackson abstained.**

- H. NOI: 12 Samuel Riggs Circle #28-2483 (Map 219, Lot 104) –**  
Submitted by Richard Cella to replace wall/construct boulder and concrete block wall in Riverfront Area.

**John Judd- Gateway Consultants**

**Mr. Judd** stated that the existing 40 foot seawall will be replaced. There is erosion and would like to stack existing boulders to stabilize the area. Access will be down on side of the home via an access road to be constructed, and the upland side of the roadway is to be smoothed and stabilized through partial terracing and extensive replanting.

**Mr. Feener** asked for shellfish comments.

**Public comment: None**

**Motion to continue the NOI 12 Samuel Riggs Circle #28-2483 (Map 219, Lot 104) to October 5, 2016 was made by Ms. Charpentier, seconded by Ms. Jackson and unanimously approved.**

**IV. Block II: New Projects**

- A. RDA 1502: 55 Eastern Point Boulevard (Map 135 , Lot 30) –**  
Submitted by Alfred Boylan to repair seawall in coastal buffer zone.

**Steve Boucher, 93 Pleasant St Gloucester**

**Mr. Boucher** explained he would like to replace eroded areas of a seawall. The work will be done by hand.

**The Commission** discussed standard procedures for sea wall repair. The Applicant agreed to incorporate the restrictions.

**Public comment: None**

**Motion for a Negative Determination was made by Ms. Charpentier, seconded by Ms. Kwasié and unanimously approved.**

- B. NOI: 11 Biskie Head Point #28-2482 (Map 233, Lot 6)** – Submitted by Martin & Mary Hertl to replace foundation and construct porch in Riverfront Area.

**John Judd- Gateway Consultants**

**Mr. Judd** explained that the new foundation will be flood compliant with the new FEMA regulations. The structure will be raised up and a covered porch will be added. Mitigation of 380 of plantings will be added for the increase in impervious area associated with the new porch. The covered porch is 9'x12'.

**Mr. Feener** asked that the shed be moved away from the resource as part of the mitigation and to place plantings where the shed was. It will be beneficial to the area. Rain barrels could also help to reduce runoff and discourage further phragmite infestation.

**Public comment: None**

**Motion to approve NOI 11 Biskie Head Point #28-2482 (Map 233, Lot 6) was by Ms. Charpentier, seconded by Ms. Kwasié and unanimously approved.**

- C. NOI: 42 Woodward Avenue #28-2481 (Map 219, Lot 104)** – Submitted by Lynn Jackson to upgrade and replace wall, deck and patio at in Riverfront Area.

**John Judd, Gateway Consultants**

**Mr. Judd** explained that the work includes replacing a rotting timber wall. There are sink holes in the existing pea stone patio. Fixing the wall will prevent further loss of patio materials to the resource area. Pervious pavers will replace the pea stone.

**Mr. Feener** stated that removing the existing wood ties will be an improvement to the site.

**Public comment:**

**Scott Chernov, 39 Woodward Avenue**

**Mr. Chernov** stated that he is an abutter and part of the project is on his land. He asked to have an agreement that he would not be responsible for any injuries. He was apprised that the work did not appear to encroach upon his property.

**Motion to approve the NOI 42 Woodward Avenue #28-2481 (Map 219, Lot 104) was made by Ms. Charpentier, seconded by Ms. Kwasié and unanimously approved.**

- D. NOI: 214 Atlantic Road #28-2484 (Map 75, Lot 56) – Submitted by John Garrisi**

**Mr. Garrisi stated that the work is** to reinforce a concrete/stone seawall in coastal buffer zone.

**Mike SeeKamp, Seekamp Environmental Consulting**

**Mr. Seekamp** explained the need to repair the currently eroding sections of stone. It will just be a repair not reinforcement. Standard conditions regarding forms, leakage protection, etc. were reviewed and accepted. Mr. Seekamp was advised to incorporate these conditions into a revised project narrative to be submitted.

Public comment: None

**Motion to approve the NOI 214 Atlantic Road #28-2484 (Map 75, Lot 56) was made by Ms. Jackson, seconded by Ms. Kwasié and unanimously approved.**

- E. NOI: Overland approach to MBTA Annisquam drawbridge #28-2845**  
Submitted by National Grid to remove underground cables.

**Tim Sullivan- National Grid**

**Mr. Sullivan** stated that access will be along the tracks and will be cut out at the riverbed. The cables will remain in the river. Erosion controls will be in place.

Public comment: None

**Motion to approve the NOI Overland approach to MBTA Annisquam drawbridge was made by Ms. Jackson, seconded by Ms. Charpentier and unanimously approved.**

## **VI. OTHER COMMISSION BUSINESS**

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

### **Minor Modification – 5 Walker Street – GWO 16.01**

The project is to replace a porch at back of the house. Mr. Whittaker reported that the project is a replacement on the outer fringes of the Riverfront Area.

**Motion to approve the minor modification for 5 Walker Street was made by Ms. Kwasię, seconded by Ms. Charpentier and unanimously approved.**

### **Extension Permit - Niles Pond Causeway #28-1897**

**Mr. Whittaker** explained that this is a request for an extension of existing conditions. It is to continue with routine maintenance to protect the resource request for an additional 3 years.

**Mr. Feener** stated that there seems to be a violation. There are excavator tracks which appear to have accessed the pond beyond the allowable sand/sediment “clawback”. He stated concern in approving something when current conditions are not being adhered to.

**Mr. Gulla** stated that when work is done the agent has to be on site.

**The commission** talked extensively on how to extend the permit for an additional three years. They requested that the Applicant submit an operational plan to ensure that “overreaching” that had occurred would not be repeated.

### **26 Beachcroft Road-Minor modification**

**Mr. Whittaker** advised the Commission that additional work would include removal of trees near the structure, with planting of replacement trees, and adjusting bordering wetlands fence so as not to restrict animal access.

**Motion to approve the minor modification for 26 Beachcroft Road was made by Ms. Jackson, seconded by Ms. Kwasię and unanimously approved.**

## **VII. CERTIFICATES OF COMPLIANCE**

**28-2460 - 742 Washington Street  
28-2317 – 131 Atlantic Road**

**Motion to approve the certificates of compliance for 28-2460 - 742 Washington Street & 28-2317 – 131 Atlantic Road was made by Ms. Kwasie, seconded by Mr. Cook and unanimously approved.**