

**CITY OF  
GLOUCESTER  
CONSERVATION COMMISSION  
MINUTES**

**WEDNESDAY, October 19, 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, Linda Charpentier, Helen Kwasié, Bill Cook, Barry Gradwohl, John Feener**

**Staff: Ken Whittaker**

**I. ADMINISTRATIVE BRIEFING**

**Extension Permit – Niles Pond Causeway #28-1897 – Discussion of Conditions**

Mr. Whittaker stated that the 3 year extension request has met the criteria which he recently proposed to the Commission for consideration of multi-year extensions. He recommended a three year extension conditioned on the commitments made by the applicant by letter. Mr. Feener requested that a copy of the ( yearly operating plan (YOP) is to be sent to agents office each year.

**Motion to approve the extension permit for Niles Pond Causeway #28-1897 was made by Ms. Charpentier seconded by Ms. Kwasié and was unanimously approved.**

**Essex County Greenbelt – Washington Street Conservation Restriction**  
Chris LaPointe- Essex County Greenbelt

Mr. LaPointe requested the Commission to sign a municipal certificate for a conservation restriction located at 952R & 966 Sanderson Court in Gloucester. The objective is to protect the scenic resources down to the shore in the otherwise densely developed area of Washington Street.

**Motion to approve the municipal certificate for 952R, 966, 966R Washington St. and 8 Sanderson Court was made by Mr. Feener, seconded by Mr. Gradwohl and unanimously approved.**

**II. PUBLIC COMMENT-**

Commissioner Feener stated that he is offering to educate the public pertaining to hazard tree evaluation and other tree related issues such as identification, care, etc. He proposes to work with Mr. Whittaker to develop and give one or more lectures on the topic to the public.

**III. MINUTES REVIEW AND APPROVAL**

Motion to approve the minutes of September 7<sup>th</sup>, 2016 was made by Ms. Charpentier, seconded by Mr. Gradwohl and unanimously approved.

**IV. 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.

**Motion to continue NOI 125 Wingersheek Road #28-2471 (Map 260, Lot 5) to December 21, 2016 was made by Ms. Kwasié, seconded by Ms. Charpentier 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 – **continuing discussion of third party review.**

Mr. Whittaker reported that he visited the site last week. 12 test pits were dug. A report will be submitted by the applicant. There is a substantial amount of sand on top of the hill. Further down into the dune, the sand increased to 6-8 feet until ledge was hit. The data will need to be investigated to determine if coastal dune(s) exist on the property for purposes of completing the ANRAD.

**Motion to continue ANRAD 30, 48 and 50 Atlantic Avenue #28-2413 (Map 257, Lots 167, 202 and 201) to November 2, 2016 was made by Ms. Charpentier, seconded by Ms. Kwasié and unanimously approved.**

- C. 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

Motion to continue request to Amend NOI 124 Wheeler Street #28-2441 (Map 99, Lot 43) to November 2, 2016 was made by Ms. Charpentier, seconded by Mr. Gradwohl and unanimously approved.

- D. 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 and Richard Cella – owner

Mr. Gulla stated that at the site visit it was noticed that vegetation on the slope above the water had been pruned to the point of almost being clear cut. Mr. Whittaker indicated that although he did approve some pruning, this was more that he should have been clearer as to the extent of the approved work. Mr. Gulla indicated that the site slope needs to be stabilized before any work is to be done. A stabilization plan and detailed planting plan must be provided.

Mr. Cella stated that he spoke with Matt Araneo and he will place hay bales along the ridge. The roots on the slope are still intact, but underneath is washed out. A site drawing was submitted as requested of what the work will look at, along with a proposed detailed planting plan and documentation from the neighbor indicating permission for access down the slope to the sea wall area to be

repaired/reconstructed. Work will consist of one row of boulders, regrading with terracing and panting of slope, shed removal and other steps for bank stabilization.

Mr. Feener requested that plywood be put down to prevent root damage to viable trees from mechanized equipment such as a Bobcat. He also requested a snow fence be installed, to be inspected and approved by the agent, to delineate shoreward limits of the work and equipment access.

**Public Comment: None**

**Motion to approve NOI 12 Samuel Riggs Circle #28-2483 (Map 219, Lot 104) was made by Ms. Charpentier, seconded by Mr. Gradwohl and unanimously approved.**

**V. Block II: New Projects**

**A. RDA 1503: 9 Cardinal Lane (Map 165, Lot 25)** – Submitted by Meghan and Tucker Bennett to construct driveway in buffer zone and home.

**Warren Morrison, 14 Briarwood Drive Salem NH**

Ms. Morrison informed the commission that the house is to be built on a Cardinal Lane address but actually will be accessed via a driveway from Cart Track Lane. The driveway will run across approximately 30-40 of wetland buffer zone. There was a discussion of what vegetation would be removed as part of the effort, what efforts would be taken to control surface runoff to the nearby pond and to mitigate for loss of vegetation, etc. House and septic construction, house construction-related contractor parking, etc. is currently planned to be outside the buffer zone.

Mr. Feener requested a site walk. He stated concern about water velocity and sheeting. The driveway design could be part of the needed mitigation. Mr. Gulla suggested that “standard conditions” for utility line installation (i.e. narrow trench, daily cut and fill, etc.) be practiced. Parties agreed to a site visit with the area of the proposed driveway layout to be clearly marked.

**Public Comment: None**

**Motion to continue RDA 1503 - 9 Cardinal Lane (Map 165, Lot 25) to November 2, 2016 was made by Ms. Charpentier, seconded by Mr. Gradwohl and was unanimously approved.**

**B. RDA 1504: 19 Mussel Point Way (Map 191, Lot 46)** – Submitted by Linzee Coolidge to construct spa in buffer zone to bordering vegetated wetland and coastal bank.

**Bill Manuell Wetlands and Land Management**

Mr. Manuell stated that a hot tub next to deck to be installed. It is 90 feet away from coastal bank. A 5x8 pad will be installed. The spa will be placed on pad and the deck will be built around it. The area of the spa is currently essentially all covered by shed roof or deck. The existing walkway will be slightly

relocated. Mr. Feener requested that the site plan be modified to show where the spa water is to be seasonally discharged.

**Public comment: None**

**Motion for a negative determination for RDA 1504 19 Mussel Point Way (Map 191, Lot 46) was made by Ms. Kwasié, seconded by Ms. Charpentier and unanimously approved.**

- C. NOI: 211 East Main Street #28..... (Map 79, Lot 2) - Submitted by Beacon Marine, Inc. to repair and replace pilings in coastal resource area. Cheryl McCarthy**

Mr. Whittaker reported that most of the work is above the water. 40 piles will be replaced. The majority of these will be cut at the mudline, but it will be necessary to extract several since their position need to be exactly maintained. Shellfish constable reportedly is comfortable with this limited pile extraction effort given the rocky nature of the land below high water in the area. Silt curtains will be provided. The harbormaster was also comfortable with the work.

Ms. McCarthy stated that the pile work is regular maintenance. The Mr. Gulla and Mr. Feener asked for a better description of which piles and how many are actually going to be pulled out as opposed to those being cut and the mudline. The work will be ongoing over an approximately 3-4 year period, depending on the availability of contractor equipment. They asked for more information greater clarification to be presented in the Administrative section of the next Commission meeting.

**Public comment: None**

**Motion to continue NOI 211 East Main Street #28..... (Map 79, Lot 2) to November 2, 2016 was made by Ms. Charpentier, seconded by Mr. Gradwohl and unanimously approved.**

- D. NOI: 30 Horton Street/24 Wonson Street #28..... (Map 128, Lot 9) – Submitted by Peter Lafata to construct home in coastal bank buffer zone. Joel Favazza- Seaside Legal Solutions**

Attorney Favazza informed the commission that the property was recently divided to create a buildable lot. A portion is in the buffer zone.

John Judd: Gateway Consultants

Mr. Judd stated that most of the lot is lawn. There is an existing retaining wall that will remain. The overhead wires that go to the paint factory will be placed underground. The paint factory is in agreement. Under 2000 sq. feet of the work is in buffer. 4000 of native plantings, and a raingarden is proposed.

Mr. Feener stated the raingarden is key for this site and may serve in essence as a “vegetated baffle” to slow down overland flow of rainwater.

**Public comment:**

Meredith Fine- 46 Middle St Suite 2

Attorney Fine stated that she represent the Bagshaws on Clarendon St.

This lot has not been recorded yet with the registry of deeds. They are seeking relief from the zoning board for access off a paper road. The mitigation plan proposes 30 inches into the ledge. Blasting will be required for the raingarden and the house. The size of the house has been presented differently in the zoning application than the Conservation Commission. The building covers a large amount of the lot. The neighbors are concerned about the project. There is no blasting or drainage plan proposed yet. More detail is needed.

Ann Rosenfeld 21 Wonson and 24R Wonson St.

Ms. Rosenfeld stated that a 3 car garage is to be built. 24R Wonson St has a right of way. Any proposed structure should allow for the right of way.

Robert Kobler 12 Horton St.

Mr. Kobler asked how sewage flow is to be treated at the property and/or whether there will be a connection to the city sewer on Horton Street.

Mr. Judd responded that indeed the raingarden is used for baffle and is part of the storm water management. There is no exposed ledge on the site and it is the opinion of the applicant there is sufficient soil depth to maintain healthy vegetation. He reports that the plan has been approved by the ZBA and there will be a sewer connection through to the city of Gloucester system. Right of way to adjacent property will be preserved.

There was further discussion regarding possibility of the need for blasting, it was agreed that any such need would require re-appearance in front of the Commission for approval. Applicant was asked to consider putting in subsurface cisterns to enhance infiltration and or rain barrels, Commission was concerned about proper infiltration of water and whether existing soil depth would be sufficient to achieve necessary infiltration.

Following conditions were proposed;

1. No blasting without notification
2. Need detailed planting plan beyond what presented - density not type of species- with disclaimer re any changes to site (i.e. proposed changes need to be approved by the Agent)
3. Jurisdictional section – underground infiltrators or rain barrels need to be installed
4. Correct error on plan – there appears to be an error regarding estimated square feet.

**Motion to continue NOI 30 Horton Street/24 Wonson Street #28..... (Map 128, Lot 9) to November 2, 2016 was made by Ms. Charpentier, seconded by Ms. Gradwohl and unanimously approved.**

## **VI. OTHER COMMISSION BUSINESS**

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

Minor Modification 28-2228- 1 Rowe Square

Motion to approve the minor modification regarding installation methods for proposed pilings (i.e. drill and grout new pilings within casings) was made by Ms. Kwasié, seconded by Mr. Cook and unanimously approved.

Extension Permit 28-2008 – Stacy Boulevard Bulkhead. Mr. Whittaker reported that the work is near completion and the applicant is seeking extension to ensure compliance with all permitting requirements.

**Motion to approve the 1 year extension for 28-2008 – Stacy Boulevard Bulkhead was made by Ms. Kwasié, seconded by Mr. Gradwohl and unanimously approved.**

;

**Bill Manuell, Wetlands and Land Management regarding 44 Rowley Shore Road**

Mr. Manuell stated that the step tank has to be repositioned. Blasting will need to be done and blasting protocol is in place. He requested review and approval for associated blasting plan for completion of the work. Proposed blasting is small scale and highly localized. The commission noted the substantial shoreline ledge in the area and no anticipated substantial impact on nearby wetlands or rainwater flow pattern.

**Motion to approve the blasting plan for 44 Rowley Shore Road was made by Ms. Charpentier, seconded by Mr. Gradwohl and unanimously approved.**

## VII. CERTIFICATES OF COMPLIANCE

28-2238 – 107 Atlantic Road

28-841 – 26 Lawndale Circle

**Motion to approve the Certificates of Compliance for 28-2238 – 107 Atlantic Road, 28-841 – 26 Lawndale Circle, 28-2426 9 River Road was made by Ms. Kwasié, seconded by Mr. Feener and unanimously approved.**