

**CITY OF
GLOUCESTER
CONSERVATION COMMISSION
MINUTES**

**WEDNESDAY, November 16, 2016 – 6:30 PM
City Hall, 2nd Floor, Kyrouz
Auditorium
Robert Gulla Chair**

Members Present; Robert Gulla, Chair, Ann Jo Jackson, Co-Chair, Linda Charpentier, Barry Gradwhol, Bill Cook, John Feener
Staff: Ken Whittaker, Agent

PUBLIC COMMENT- None

MINUTES REVIEW AND APPROVAL - October 19, 2016

Motion to approve the minutes of October 19, 2016 was made by Ms. Jackson, seconded by Ms. Charpentier and unanimously approved.

Block 1: Continued Projects

A. ANRAD: 30, 48 and 50 Atlantic Avenue #282413 (Map 257, Lots 167, 202 and 201) - Submitted by Francis Goodhue for Abbreviated Notice of Resource Area, coastal wetland.

Bill Manuell- Wetlands and Land Management

Mr. Manuell reported that John Judd of Gateway Consultants dug 16 test pits for subsurface sewage disposal system. The reason is to develop a small area and then donate the rest to conservation. Parties are at an impasse regarding if the site is dune or another type of coastal bank. Soil testing was done. The soil test confirmed Epsilon Associates findings that there is a bedrock headland with mineral soil and a veneer of sand of varying depth. There was relatively shallow depth to bedrock. It illustrates, according to Mr. Manuell, that it is an upland land form and is not a coastal dune feature.

Mr. Gulla stated concern that a piece of the site may be dune. T 14, 15, 16, have the most sand and is closer to the road; in that portion could there be a coastal dune?

Mr. Feener stated that the elevated road is a buffer of the dune. It is a secondary dune and does not function. It is a land locked dune and in the past we have allowed building on land locked dunes.

Mr. Manuell opined that the coastal connection necessary for classification of coastal dune (i.e. water and wind pulling coastal sand around) is not present here.

PUBLIC COMMENT

Tom Hughes- Hughes Environmental Consulting, Wingersheek Improvement Association

Mr. Hughes stated that dune is not the only resource here and there is an interaction with the ocean. CZM says veneer is only 6-12 inches, but we have considerably greater depth here. When it is close to 12 inches it is dune. Just because it is over a land form does not mean it is not dune. According to Mr. Hughes, this property is probably coastal bank and coastal dune. It is a complex site and a peer review should be sought and CZM should be involved. It would be a mistake to move forward without all the information. The test pits were not done to delineate edge of dune. He also explained that coastal dune characteristics could appear sporadically on the property.

John Kline, 52 Castle View Drive

Mr. Kline stated that this is a complex situation and having a peer review is the prudent avenue to take.

Elizabeth Bayle, 53 Atlantic Ave

Ms. Bayle stated that development have obscured the dune. The resource area should not be compromised.

Mr. Manuell was concerned about scope and high cost of peer review.

Mr. Whittaker agreed to contact CZM geologist to provide guidance on coastal dune characteristics.

Motion to continue the ANRAD for 30, 48 and 50 Atlantic Avenue #282413 (Map 257, Lots 167, 202 and 201) to January 4, 2017 was made by Ms. Charpentier, seconded by Mr. Gradwohl and unanimously approved.

B. Request to Amend NOI: 124 Wheeler Street #282441 (Map 99, Lot 43)

Submitted by Stephen Arena request to raise approved single family home in Riverfront area.

Mr. Arena has requested a continuance until December 7.

Mr. Whittaker reported neighbor concern about heavy equipment access necessary for house raising.

Motion to continue Request to Amend NOI: 124 Wheeler Street #282441 (Map 99, Lot 43) to December 7, 2016 was made by Ms. Charpentier, seconded by Mr. Gradwohl and unanimously approved.

C. RDA 1503: 9 Cardinal Lane (Map 165, Lot 25) – Submitted by Meakin and Tucker Bennett to construct driveway in buffer zone – Applicant requests a continuance of the matter to the December 7, 2016 meeting of the Commission.

Motion to continue RDA 1503 9 Cardinal Lane (Map 165, Lot 25) to December 7, 2016 was made by Mr. Feener, seconded by Ms. Jackson and unanimously approved.

D. NOI: 30 Horton Street/24 Wonson Street #28-2490 (Map 128, Lot 9) – Submitted by Peter Lafata to construct home in coastal bank buffer zone.

Joel Favazza- Seaside Legal Solutions

Attorney Favazza stated that the requested information regarding a detailed planting plan and the storage capacity numbers have been submitted. No blasting will be needed and the city engineer is clear with the proposal.

Public Comment:

Attorney Meredith Fine- 46 Middle St

Attorney Fine reported that her clients the Bagshaw's still oppose the plan. From a procedural point, the project depends on getting a variance from the zoning board and it will be appealed. The variance is a contested issue.

Motion to approve NOI: 30 Horton Street/24 Wonson Street #28-2490 (Map 128, Lot 9) was made by Mr. Feener, seconded by Ms. Jackson and unanimously approved with Mr. Gulla and Mr. Gradwohl abstaining.

E. NOI: 480A Washington Street #28-2494 (Map 110, Lot 33) – Submitted by Stefania Merone-Holland to raze and rebuild home/build gangway & float in Riverfront Area.

Ms. Jackson took over as temporary chair of the meeting. Mr. Gulla recused himself.

Jay Jarosz 3 Mill St, Manchester, MA.

Mr. Jarosz stated he has submitted the information regarding plantings, corrections for the dock system and stairway that will be built to access the platform. A new alternative Analysis was also submitted.

Mr. Whittaker stated that there are no issues from the Harbormaster and shellfish constable.

Motion to accept the Alternative Analysis for NOI 480A Washington Street #28-2494 (Map 110, Lot 33) was made by Mr. Feener, seconded by Ms. Charpentier and unanimously approved with Mr. Gradwohl and Mr. Gulla abstaining.

Public comment: None

Motion to approve NOI: 480A Washington Street #28-2494 (Map 110, Lot 33) was made by Mr. Feener, seconded by Ms. Charpentier and unanimously approved with Mr. Gradwohl and Mr. Gulla abstaining. Approval is based on incorporating all comments from the shellfish constable into the order, all conditions accepted at previous meetings and that steps be taken to limit stair supporting posts installed in coastal bank.

Mr. Gulla recused himself

V. Block II: New Projects

A. RDA 1506: 114 Wheeler Street (Map 99, Lot 36) – Submitted by Gerald Byrne to build garage on existing pavement in Riverfront Area.

Mr. Byrne stated that the project is to add a new garage. There will be a gutter and potting shed along with a drainage basin at the front entrance to the garage draining to rip rap on the coastal bank. On far side of the property, pavement will be removed and evergreen trees will be installed.

Mr. Whittaker stated that it will not change any runoff issues.

Mr. Feener stated that he wants to make sure that it is an improvement to the project. He requested that sparse Linden trees at the base of the wall be removed and replaced with a healthy planting of shrubs to improve bank stability.

PUBLIC COMMENT

Gina Barrett 113 Wheeler Street

Ms. Barrett stated that there is a clam flat below and she was concerned with accidental fuel spills and preserving her easement.

Mr. Byrne stated that no hazardous material will be stored in the shed, however, he agreed to keep “Speedi-Dri” in place “just in case.” Also, the garage will have a concrete “sill” to provide containment in the event of a spill.

Motion for a Negative Determination for RDA 1506 114 Wheeler Street (Map 99, Lot 36) was made by Mr. Feener, seconded by Ms. Charpentier and unanimously approved, subject to the above conditions and incorporation of comments from the shellfish constable.

Mr. Gulla rejoined the commission.

B. RDA 1507: 632 Washington Street (Map 112, Lot 58) – Submitted by Deborah & Donald Hiltz to slightly expand carport area within Riverfront Area.

C. Charles Lezarian- Architectural Designer

Mr. Lezarian stated that there is a need to create a convalescent area for the house and so part of it needs to be enclosed. An additional 80 square will be under the same roof area. 200 square feet of mulch/ garden and downspouts will be added for mitigation. He also noted that the existing enclosure expansion is over paved surface, so little impact is anticipated.

Public comment: None

Motion for a Negative Determination for RDA 1507: 632 Washington Street (Map 112, Lot 58) was made by Ms. Jackson, seconded by Mr. Gradwohl and unanimously approved.

VI. CERTIFICATES OF COMPLIANCE

28-1286 – 32-72 Cole’s Island Road

Motion to approved the Certificate of Compliance for 28-1286 – 32-72 Cole’s Island Road was made by Ms. Charpentier, seconded by Ms. Jackson and unanimously approved.

A. EXECUTIVE SESSION – Executive Session under M.G.L. Ch. 30A§21 -To discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares. **Applicant’s litigating position and**

Commission potential responses to Request for Superceding Order for 337 Concord Street.

A motion to move into executive session was made by Ms. Jackson, seconded by Mr. Gradwohl and unanimously approved. A roll call was held to go into executive session with all members in the affirmative.

The Commission returned to open session after executive session and immediately terminated t the public hearing, no further public comments being offered.