



CITY OF GLOUCESTER
Conservation Commission
August 21, 2019
6:30 P.M.

Kyrouz Auditorium - 9 Dale Ave, Gloucester
Robert Gulla, Chair

MINUTES

Members Present: Robert Gulla, Ann Jo Jackson, Linda Charpentier, Bill Cook, Barry Gradwohl, John Feener

Agent: Adrienne Lennon

I. ADMINISTRATIVE BRIEFING

Commission Statement on City Fluoridation Policy

The Commission discussed the drafted memo against the fluoridation of City water.

Mr. Gulla made a motion to accept the memo on the City fluoridation policy, Ms. Jackson opposed, and the majority of the Commission voted in favor.

Settlement Agreement: NOI 028-2591– 81 Eastern Point Boulevard (Peters)

Agent Lennon summarized the settlement agreement as a result of DEP superseding their decision on NOI 028-2591. The Commission decided in an executive session to move forward with a settlement agreement in superior court. Agent Lennon read the settlement agreement document.

Ms. Charpentier made a motion to accept the 81 Eastern Point Boulevard settlement agreement memo, the motion was seconded by Mr. Cook, and approved by the majority of Commission members. Mr. Gulla and Mr. Gradwohl abstained from the vote.

II. PUBLIC COMMENT

Mr. Gulla opened and closed the public comment period. No public comment.

III. MINUTES REVIEW AND APPROVAL

August 7, 2019

Ms. Jackson requested changes to the minutes. The minutes approval was tabled to the next meeting.

IV. CONTINUED BUSINESS

RDA 1616 – 113 Atlantic Street (Gloucester DPW)

The applicant requested to withdraw the application without prejudice.

Mr. Feener moved to accept the application withdrawal for 113 Atlantic Street, the motion was seconded by Ms. Charpentier, and approved by the majority of Commission members. Mr. Gulla abstained from the vote.

RDA 1617 – 113 Atlantic Street, 232 Atlantic Street, 24 Hough Avenue, 32 Leslie O Johnson Road (Gloucester DPW)

It was noted that the Harbormaster and Shellfish Constable submitted comments in favor of the project. The Commission discussed the applicant requirement to submit the requested documentation or the application will be rejected.

Ms. Charpentier made a motion to continue 113 Atlantic Street, 232 Atlantic Street, 24 Hough Avenue, 32 Leslie O Johnson Road to September 4, 2019, the motion was seconded by Mr. Gradwohl, and approved by the majority of Commission Members. Mr. Gulla abstained. The Commission included comments that they will contact the Shellfish Constable for a cease and desist letter.

NOI 028-XXXX – 52 Shore Rd (Locher)

Ms. Charpentier made a motion to continue 52 Shore Rd. to September 18, 2019, the motion was seconded Mr. Gradwohl and approved unanimously.

NOI 028-XXXX – 20R Bungalow Road (Daly)

Ms. Charpentier made a motion to continue 20R Bungalow Road to September 18, 2019, the motion was seconded by Mr. Gradwohl, and approved unanimously.

NOI 028-2649 – 677 Western Avenue (Calas)

The applicant requested to continue in order to go in front of the Planning Board.

Ms. Charpentier made a motion to continue 677 Western Avenue to October 2, 2019, the motion was seconded by Mr. Cook, and approved unanimously.

NOI 028-2654 – 1 Harbor Loop (Huff)

Attorney Michael Faherty, representing the Building Center gave a summary of the project. He stated they have made further examination of the pier and associated structures and in order to advance objective and convert into a marina, which would require amendment to Chapter 91 license, he shared the plan with the outline of the pier and the section removed. The elevated walkway will be shored and supported by concrete circular units. The structure is adequately supported by piles, but they will be taking down the structure on either side. This will act as a walkway to get to the other side of the pier. He noted some of the timbers will be utilized elsewhere on the project. He stated the plans will be stamped and they will amend the application to reflect what they are asking for.

Mr. Cook commented that they also discussed removing pilings and asked if there is an overview of all the pilings that will be removed. Mr. Faherty stated that they will be coming back with a demolition plan based on barge availability.

The Commission discussed the number of Commissioners who can vote on this project based on absences at prior meetings.

Mr. Gulla opened and closed the public comment period. No public comment.

Mr. Feener commented that the Commission is just approving the shoring of the elevated walkway and using the cement pods. There was clarification that the applicant will reuse the floorboards for the elevated walkway.

Agent Lennon noted that the applicant is working with DEP to pull pile and the Harbormaster has agreed. She questioned if the Commission agrees with the pulling of the piles.

It was noted that until the pier is licensed by DEP the final reconstruction cannot be started.

Ms. Jackson made a motion to approve the project at 1 Harbor Loop, and seconded by Ms. Charpentier, and approved by the majority of Commission members. Mr. Gradwohl abstained.

Ms. Charpentier made a motion to close the project, the motion was seconded by Ms. Jackson and approved unanimously.

NOI 028-2662 – 75 Essex Avenue (Dominick)

David Smith, GZA representing Dominick Unlimited LLC. Summarized a replacement of an existing 300 linear feet of wharf and boatlift. The wharf is a timber pile bulkhead, underneath a pile supported concrete steel framed deck. They will maintain a straight line and will not go out any further. Two sets of boatlift piers, they will replace the southern side and it will be built into bulkhead. At the far northern part a new timber deck will be installed, and it will tie into an existing small deck. There will be 4 catch basins. They will also do minor float adjustments and minor changes with gangways.

Mr. Smith submitted DEP comments regarding Ch. 91 license or amendment. They are treating this as a replacement project. Mr. Smith did not have comments from Harbormaster or Shellfish Constable. The Commission questioned the deck impasse, Mr. Smith confirmed 194 sq. ft over mudflats the rest will be over a rip rap slope. The Commission discussed vegetative mitigation; Mr. Smith confirmed this is a developed marina there was no vegetation along shoreline. Mr. Feener clarified his comment about mitigation was for a raingarden system to catch any runoff.

Mr. Gulla opened and closed the public comment period. No public comment.

Agent Lennon confirmed they did receive a letter from DMF requesting a time of year constraints. The applicant discussed the time restriction could cause a hardship and noted they will have a turbidity boom in the water and noted the work is not being done from a barge. The applicant may review the time constraints with DMF.

The Commission discussed moving forward with or without DMF's opinion on timeframe.

Ms. Charpentier made a motion to continue 75 Essex Avenue to Sept 4, 2019, the motion was seconded by Mr. Cook, and approved by the majority of Commission members. Mr. Gradwohl and Mr. Gulla abstained.

NOI 028-2667 – 1126 Washington Street (Arkins)

Joe Sanborn representing the applicant for an addition to an existing dwelling.

Mr. Feener confirmed he did a site visit and located an area in the back of the property for mid story planting and requested a list of plants to fill in and they did submit that.

Mr. Gulla opened and closed the public comment. No public comment.

Ms. Charpentier made a motion to close the project, the motion was seconded by Ms. Jackson and approved unanimously.

Ms. Charpentier made a motion to approve NOI at 1126 Washington Street, according to the plan of August 9, the motion was seconded by Ms. Jackson and approved by the majority of Commission members. Mr. Gulla and Mr. Gradwohl abstained.

V. NEW BUSINESS

RDA 1620 – 124 Wheeler Street (Arena)

Steve Arena, 128 Wheeler Street, Summarized the work is being done at 124 Wheeler Street. He noted they have a granite wall that has been there before they purchased the property. They have repointed one side and would like to repoint the side that faces 126 Wheeler Street now. He noted they will be using the same company.

Ms. Jackson made a motion to close public hearing, the motion was seconded by Ms. Charpentier and approved unanimously.

Ms. Charpentier made a motion for negative determination for 124 Wheeler Street, the motion was seconded by Mr. Gradwohl and approved unanimously.

RDA 1621 – 126 Wheeler Street (Bordinaro)

Michael Faherty representing the Bordinaros, he summarized the project as a stone wall with fence on top. The project had litigation from a few years ago, and the applicants agreed to settle. The settlement now is to remove the wall and relocate by 1.5 feet.

Mr. Gulla opened and closed the public comment period. No public comment.

Ms. Charpentier made a motion to close the project, the motion was seconded by Ms. Jackson and unanimously approved.

Ms. Charpentier made a motion for negative determination for 126 Wheeler street, the motion was seconded by Mr. Gradwohl and approved unanimously.

NOI 028-2668 – 19 Abbott Road (Costa)

Susan Costa summarized the proposal of an addition to single family home and garage. They would like to extend the breezeway between house and garage. The addition will be 10 ft out from garage. The parcel is located on the marsh and back portion of the property is at lower elevation. The planting plan is to remove invasive species and to add plantings to stabilize.

Mr. Gulla opened and closed the public comment period. No public comment.

Mr. Feener commented about the invasive plant removal and requested them to be specific about wildflowers plantings and how they will be removing the wild rose.

Mr. Gulla questioned if the Commission would be better off leaving the area and not removing wild rose.

Agent Lennon commented that the Commission can approve the plan and make a condition to phase the first 15-20 feet.

Mr. Feener made a motion to close the project, the motion was seconded by Ms. Charpentier, and approved unanimously.

Mr. Feener made a motion to approve the project at 19 Abbott Rd, with understanding that mitigation be refocused to the first 20 ft to address soil conditions, the motion was seconded by Ms. Jackson and approved unanimously.

NOI 028-2669 – 17 Stanwood Point (Favaloro)

John Judd of Gateway Consultants representing Anthony Favaloro. He Summarized the proposal to add an addition to a single family house. He noted the resource area is within 200ft of mean high water of Little River and they do have a riverfront application. The proposal is to put a 7x14' addition on the front of the house and enclose half the deck with a rubber roof and screen. He noted the impervious calculations on the plan, with an alternative's analysis in the application.

Mr. Gulla read the alternatives analysis to the Commission.

Mr. Feener made a motion to accept the alternatives analysis, the motion was second by Ms. Charpentier and approved unanimously.

Mr. Gulla opened and closed public comment. No public comment.

The Commission discussed the planting plan needs to be adhered to or a letter be sent to the agent requesting a change.

Mr. Feener made a motion to close the project, the motion was seconded by Mr. Gradwohl and approved unanimously.

Mr. Feener made a motion to accept the project at 17 Stanwood Point, with the aforementioned condition that the planting plan be adhered to, Mr. Cook seconded the motion, and it was approved unanimously.

NOI 028-2670 – 8 Poplar Street (Bologna)

Jason Mitchell summarized the project as tearing down an existing deck and replacing it increasing the footprint to the wall. Included is a mitigation garden but would like to reduce the garden to 300 ft instead of 600 ft.

The Commission discussed submitting an updated plan for the reduced garden of 300 sq. feet and allowing him to resubmit a planting plan.

Ms. Charpentier made a motion to close the project, Mr. Gradwohl seconded the motion and it was approved unanimously

Ms. Charpentier made a motion to approve the project at 8 Poplar street, with approved planting plan, the motion was seconded by Mr. Gradwohl and unanimously approved.

NOI 028-2671 – 53 Leonard Street (French)

Josh Femosa, representative for Jordan French, summarized the application for an addition. The site is near Lobster Cove. Josh described the property and the plantings that will remain. One story 201 sq. foot addition from granite wall. The proposed addition will be displacing lawn only. They are proposing 400 sq. ft planting of high bush blueberry.

Mr. Feener requested an orange storm fence be put around the Ash tree. He also requested more diversity with planting for biodiversity.

Mr. Gulla opened and closed the public comment period. No public comment.

The Commission also requested the dumpster be covered at night.

Mr. Cook made a motion to close the project, the motion was seconded by Ms. Charpentier and approved unanimously.

Ms. Charpentier made a motion to approve project at 53 Leonard street with the protection of the ash tree with a storm fence, more diversity in plantings and to cover the dumpster at night, the motion was seconded by Mr. Cook and approved unanimously.

NOI 028-2672 – 6 Barn Lane (Foster-Dardas)

Cheryl Foster and David Dardas requesting permission to replace rotted deck and extend the deck to 24 x10 encroaching the stream buffer zone.

There was a discussion about the area of property they are not supposed to mow past.

Mr. Gulla opened and closed public comment period. No public comment.

Ms. Charpentier made a motion to close the project, Mr. Gradwohl seconded the motion and it was approved unanimously.

Ms. Charpentier made a motion to approve the project at 6 Barn Lane, the motion was seconded by Mr. Gradwohl, with discussion that mitigation will not be needed., and approved unanimously.

VI. OTHER COMMISSION BUSINESS

Certificate of Emergency 19-06 – 7 Rackliffe Street (Carlson/Rockaway Condominiums)

Mr. Gulla recused himself.

Agent Lennon noted the applicant received correspondence from neighbor across the street, engaged an arborist to remove the tree.

Mr. Cook made a motion to approve the project at 7 Rackliffe street, Mr. Feener seconded the motion and it was approved by the majority of Commission members.

Extension Permit OoC 028-2476 – 31 Salt Island Road (Fifield)

Extension Permit OoC 028-2477 – 35 Salt Island Road (Knowlton)

Agent noted that extension requests came in together from plans approved in 2016. They are requesting a three year extension to repair the seawall due to a hardship.

Ms. Charpentier made a motion to allow a 1 year extension permit to 31 and 35 Salt Island Road, the motion was seconded by Mr. Gradwohl and approved by the majority of Commission members. Ms. Jackson abstained.

VII. AGENT'S REPORT ON VIOLATIONS AND PERMIT INQUIRES

VIII. CERTIFICATES OF COMPLICANCE

IX. OTHER

Matters not Reasonably Anticipated within 48 Hours of the scheduled meeting.

Ms. Jackson moved to adjourn the meeting, Ms. Charpentier seconded the motion and it was approved unanimously.