

**Location: Rockport Town Hall, Meeting Room A**

**Present:** Larry Neal/Chairman, Alan MacMillan, MaryAnn Lash, Mel Michaels/Associate Member, Andrea Nichols/ Secretary, GERALYN Falco/Conservation Agent. The Rockport Conservation Commission (RCC) is a four-member volunteer board. Three voting members are present.

**Absent:** David McKinnon

**Citizen Inquiries:**

*3 Seaview Street* – Agent Falco reads request from Mr. van Berkhout to pave upper portion of his driveway and shows plan; this small area is within 200' Riverfront Area and 70' from coastal bank; remainder of driveway will stay gravel. Chairman Neal moves to allow driveway paving as presented; Mr. MacMillan seconds. Vote 3:0.

**Stewardship**

Sandpiper property – BOS, DPW & Traffic Committee met; parking on South Street not approved due to strong and active citizen participation. *Jim Bates, 192 South Street* – thanks RCC for its part in parking issue on South Street.

Open Space – Essex County Greenbelt Association has purchased Little Parker Pit; will make it open space; Mrs. Lash is congratulated for her efforts in this endeavor. Chairman Neal reminds all of DPW's purchase of land adjacent to Carlson's Quarry; town has gained a lot of open space this year.

**Minutes**

**09/21/16:** Chairman Neal moves to approve minutes as amended; Mr. MacMillan seconds. Vote 3:0.

**New Hearings**

**RDA 16-09, Erin & Toby O'Connell, 4 Blueberry Lane (Map 3/Lot 9).** *Improve driveway within 100' of quarry & intermittent stream.* Applicants are present and Mrs. O'Connell makes the presentation; explains that proposed house to be >100' to quarry and stream; they want to gravel existing grassed driveway; shows plan with graveled way to house. RCC concerns are driveway being gravel or crushed stone (crushed stone is more pervious); one member wants to visit site. *Robert Visnick, Attorney for buyers* - says that buyers and seller are anxious to close on property. Chairman Neal moves to close hearing; Mrs. Lash seconds. Vote 3:0. Mr. MacMillan moves to grant negative determination, category number 3 with conditions; Chairman Neal seconds. Vote 3:0. **Hearing is closed. The digital voice recording of this hearing will be retained until all appeal periods have passed and all appeals resolved**

**New Hearings**

**NOI 62-0735?, Paul Rogers, 87 Thatcher Road (Map 25/Lot 84).** *Reconstruct cottage within 100' of salt marsh.* John Judd (Gateway Consultants) is present for applicant and makes presentation; house to be renovated on existing foundation in flood zone; foundation to include flood openings (holes cut to ground level), deck to be moved, no new grading proposed, erosion control, dumpster in driveway for demolition debris. RCC concerns are: oil in basement contaminating area; request for waiver needs to be in writing; no DEP number. Site visit is scheduled for October 8, 2016. With permission from applicant, hearing is continued until October 19, 2016 pending site

visit and DEP number. Hearing is continued. **The digital voice recording of this hearing will be retained until all appeal periods have passed and all appeals resolved.**

*NOI 62-0733, Cooke Realty, LLC, 37 Squam Road (Map 4/Lot 2A). Replace failed septic system within 100' of intermittent stream & Bordering Vegetated Wetland.* Applicant and John Judd (Gateway Consultants) are present and Mr. Judd makes presentation; notes BVW behind house and stream in front of house; BOH has approved septic plan; access to construction site in rear to be from west side of house; open stream not to be addressed with this project. *Joel Crocker Munroe, 35 Squam Road* - questions access to garage over stream; will there be access to garage? Mr. Cooke will address that issue at another time. Chairman Neal moves to close hearing; Mr. MacMillan seconds. Vote 3:0. **Hearing is closed. The digital voice recording of this hearing will be retained until all appeal periods have passed and all appeals resolved.**

*NOI 62-0734, John & Kelly McCarthy, 136 Long Beach (Map 25/Lot 39). Demolish & rebuild cottage on barrier beach.* Frederick Geisel (Geisel Engineering), Brian Stein (architect) and Mr. McCarthy are present. Mr. Geisel makes presentation; shows existing conditions of cottage on solid foundation; most of concrete to be removed (deck, walkways, steps) and lawn to be replaced with beach grass and other beach vegetation; hands out photos; new foundation to be on piers with 8'x8' utility room; front patio replaced with patio stones and smaller; street/marsh side of lot to be graded, terraced and retaining wall to hold back sand for parking; requests waiver from 25' and 50' setback requirements. RCC concerns are: square footage of pervious changes; will patio be replaced with pervious material. Site visit is scheduled for October 8, 2016. With permission from applicant, hearing is continued until October 19, 2016 pending new information and site visit. Hearing is continued. **The digital voice recording of this hearing will be retained until all appeal periods have passed and all appeals resolved.**

*NOI 62-0???, The Landing Group Inc., Granite Street & Breakwater Avenue-Cape Ann Tool Co. site (Map 16/Lots 26A, 28, 28A). Construct on 1 commercial & 13 single-family house lots within land subject to coastal storm flowage, coastal bank, land under waterbodies & waterways, land under the ocean and rocky intertidal shore resource areas.* Jamy Madeja (Buchanan & Associates) is present for applicant and makes presentation; states that nothing new to be done on site; NOI is for all "land" work (13 sfh & 1 commercial building, park and walkway) and no "in-water" work is proposed; says RCC issued Order of Conditions for this project, but has expired; verbally requests waiver of lots 1, 7, 8 and 14 because houses are within 25' No-Disturb & 50' No-Build Zones (previously approved); each house will need building permit and will be constructed one-by-one; houses to be part of "Homeowners Association" (HA); HA to maintain drainage structures, park and walkways; garages will be beneath each dwelling; other on-site parking is public; commercial lot is improved on inside; notes that there will be sight lines between dwellings to see coast. RCC concerns are: require written waiver request; asks if there are any changes to laws (none for FEMA) or town permits; Ch. 91 license is required for this project (in dispute with DEP; Ms. Madeja says old license is valid); parking under buildings involves digging (Ms. Madeja to present schematics of houses); RCC asks why sidewalk does not extend to property end (Ms. Madeja says state has no jurisdiction over this area and last two properties to have water-dependent uses); wants to see plan of seawall work; asks about underground stream (not discussed in this project); wants updated construction sequence (remove completed work) to show only proposed work to be done; requests that MEPA response to applicant be made in writing; and no DEP number. *Jim*

*Waddell, 13 Prospect Street* – is opposed to project; docks are shown on plan-they should not be there; NOI says nothing changed but Ch. 91 license was issued for 24 condo units and this is change from that; believes that DEP denied Ch. 91 amendment & is in litigation; thinks permits should not be allowed until Ch. 91 issue is resolved; historic tide lands were given away when federal government dredged harbor and added breakwaters; does not feel developer is a friend to Town of Rockport - especially to fishermen who are making a living here (Ms. Madeja responds: OC is needed to get Ch. 91 license; work in harbor is not WPA issue since nothing to be done in harbor); asks about fees; is concerned about digging causing possible contamination of harbor. *Toby Arsenian, 95 Granite Street* - asks about Ch. 91 license; asks if approved floats have expired; asks if previously approved work on seawall (by Kaneb) is still valid; objects to waivers of setback zones; RCC worked hard to get setbacks into regulations and is bound by law to uphold them; is concerned with house on Lot 14 creating storm debris; says this project is contrary to town's interests; objects to legal notice which states there are 14 lots; what exists now is three (3) lots; asks why hearing was opened without DEP number. *Robert MacIsaac, 2 Clark Avenue* - reports work done on bulkhead (end of July) with no erosion control and visible loose material. *Zenas Seppala, 92 Granite Street* – talks about extending commercial building; asks if there is planting plan because plants between buildings will block site views between buildings; objects to RCC remarks. *Erin O'Connell, 6 Story Street* – asks about excavation plan; if this is solid concrete and digging to take place, will water under site be protected. With permission from applicant, hearing is continued to October 19, 2016 pending more information & DEP number. Hearing is continued. **The digital voice recording of this hearing will be retained until all appeal periods have passed and all appeals resolved.**

### Review Orders of Condition

**NOI 62-0731, DPW, Flat Ledge Quarry (Map 10/Lot 32).** Mr. MacMillan moves to issue OC as written; Mrs. Lash seconds. Vote 3:0.

### Other Business

- Back Beach Improvements (DPW requests postponed until October 19, 2016)
- **Request for Certificate of Compliance, NOI 62-0176, Kenneth Novack, 85 Marmion Way (Map 30/Lot 16).** Chairman Neal moves to issue CoC; Mr. MacMillan seconds. Vote 3:0.
- **Request for Certificate of Compliance, NOI 62-0677, Frans van Berkhou, 3 Seaview Street (Map 24/Lot 4H).** Chairman Neal moves to issue CoC; Mr. MacMillan seconds. Vote 3:0.
- New Business/Announcements - Chairman Neal moves to add following discussion(s) to agenda, Mr. MacMillan seconds. Unanimous affirmative roll call: Mr. MacMillan, Mrs. Lash, Chairman Neal.
  - **Request for Certificate of Compliance, NOI 62-0720, Chris Trupiano, 14 McKays Drive (Map 11/Lot 52M).** Chairman Neal moves to issue CoC; Mr. MacMillan seconds. Vote 3:0.

**Chairman Neal moves to adjourn the meeting; Mr. MacMillan seconds. Vote 3:0.**

**10:45 PM**

*RCC ► Meeting adjourned 10:45 PM ◀ RCC*





