

**CITY OF GLOUCESTER
CONSERVATION COMMISSION MINUTES
WEDNESDAY January 19, 2011 - 7:00 PM
CITY HALL, KYROUZ AUDITORIUM
ROBERT GULLA, CHAIRMAN**

Members Present:

**Robert Gulla, Chair
Ann Jo Jackson, Co Chair
John Feener
Charles Anderson
Barry Gradwohl
Steve Phillips
Arthur Socolow-Absent**

Staff:

**Lisa Press, Agent
Pauline Doody, Recording Clerk**

Items may be heard 15 minutes before their scheduled time.

I. 1-5 minutes, review of amended, updated or final information, status reviews, modifications, signing decisions etc.

28-2112 50 Essex Ave- review conditions

Motion: To accept the conditions for 28-2112 50 Essex Ave

1st: Ann Jo Jackson

2nd: Barry Gradwohl

Vote: All approved 6-0

II. PUBLIC COMMENT – None

III MINUTES REVIEW

The commission reviewed and approved the minutes for November 3 & 17, 2010 and December 13 & 15, 2010.

Motion: To approve the minutes for November 3 & 17 and December 13 & 15, 2010.

1st: Ann Jo Jackson

2nd: Steve Phillips

Vote: All approved 6-0

IV PUBLIC HEARING approximately 7:15 PM

A. New- 13 Rogers Street, Notice of Intent submitted by the City of Gloucester, Harbormaster, to conduct maintenance to existing piers in a coastal resource area. Applicant requests continuation to February 16, 2011.

Motion: To continue 13 Rogers Street, Notice of Intent submitted by the City of Gloucester, Harbormaster, to conduct maintenance to existing piers in a coastal resource area to February 16, 2011.

1st: Ann Jo Jackson

2nd: Charles Anderson
Vote: All approved 6-0

B. Continuation -28-2111- 23 River Road, Bill and Jane Remsen, to demolish and rebuild dwelling and detached studio with 2 additions to dwelling, in a coastal bank and riverfront resource area. (Map 118 lot 13).

Rob Gulla recused himself from this hearing.

Presenter: Bill Manuell Wetlands and Land Management

Mr. Manuell stated that this was the 2nd public hearing and a site visit had been scheduled in the interim. Comments from Shellfish stated concerns with runoff from the roof that may be tainted by shore birds. New details have been submitted of how the materials will be encapsulated, however, nothing has changed in the plan view. The wall will be raised 18" to marry up the easterly side of the studio. It will add a bit more barrier from the tides. There are 2 areas of treatment one is for plants and other is under the existing deck that will have crushed stone. All of it is encapsulated in the geo-textile filter fabric. Regarding the roof runoff; encapsulated crushed stone and the roof liters are piped directly into that and will serve as the filter for what is coming off the roof. Dave Sargent comments stated that we are improving the site and eliminating fines that are being introduced to the cove. Jim Caulkett concerns are with the existing ramp and float which have been licensed in an annual 10A permit. It will all be under the chapter 91 license moving forward.

Commission Comments:

Mr. Gradwohl stated that Mr. Sargent also stated in his comments that everything below the filter fabric will be double washed. He also made comment about no disturbance from the beginning of March to the end of June. Also Mr. Feener asked for specs on the fabric, but did not receive any information.

Mr. Manuell stated that the fabric is woven the product used is not affected by salt water.

Mr. Gradwohl asked how the fabric be adhered to pilings etc.

Mr. Manuell stated that it will just lay it in, up, and over walls and as it is backfilled it is folded over. It will have 8" of raised seawall to prevent any material from being carried out. Mr. Manuell asked the commission to be able to specify the final two trees to be planted as site is developed.

Mr. Feener asked how deep the topsoil for the trees would be. He stated that any tree of 30 feet should have at least soil of 3-3/12 feet deep. Mr. Feener also asked if the top of the preexisting wall is the finished top. He stated he needed the height as a reference point.

Mr. Manuell stated yes. The top of the existing seawall is 9.63 and top of the proposed terrace will be 10.35.

Mr. Feener asked if there was going to be any seepage of salt water to the top soil.

Mr. Manuell stated that the intention is to eliminate that possibility. If we have to, we will amend the soil if we get any salt water spray.

Mr. Feener stated that if any soil damage occurs to let this Commission know what will be done to rectify it.

Ms. Press stated that the plan still has to go to engineering; however it does not need to be held up for that.

Mr. Feener asked that in the order to have it stated that the newly installed seawall is not to exceed over 2 feet of existing seawall

Public Comment: None

Conditions:

- **Incorporate all Dave Sargent comments**
- **Information on filter fabric to be submitted to the commission**
- **Final two trees and location to be approved by the commission**
- **Ensure enough fill for size of trees**
- **Engineering approval**
- **Bluestone to be 18 inch x 24" square maximum and spacing of bluestone**
- **The newly installed seawall is not to exceed over 2 feet of existing seawall**
- **Any soil amendments that need to be done due to damage, to let this commission what will be done to rectify it.**

Motion: To approve the project at 23 River Road, Bill and Jane Remsen, to demolish and rebuild dwelling and detached studio with 2 additions to dwelling, in a coastal bank and riverfront resource area. (Map 118 lot 13).

1st: Barry Gradwohl

2nd: John Feener

Vote: All approved 5-0

C. New-28-2118- 78 High Street, Notice of Intent submitted by John Lazarus, to conduct renovations to a dwelling and to construct an addition with a foundation in the buffer to an inland resource area. (Map 164 lot 2).

Rob Gulla rejoined the commission.

Presenter: John Judd, Gateway Consultants

Mr. Judd stated that this is an addition to existing structure and behind the dwelling is the wetland on the easterly side. There is an existing garage at the end of gravel driveway. There are 2 separate additions. The larger is behind the house and is 192 square feet. The other is a bump out of the kitchen area that is 91 square feet. The project is under the 500 square foot threshold and it does include 200% mitigation. The project is entirely within the buffer. The desire of the owner is to plant high bush blueberries.

Commission Comments:

Mr. Feener suggested more appropriate soils for the planting proposed or suggested changing the plants.

Ms. Press stated never to have monoculture. Always have a few species planted.

Mr. Feener stated that the locust trees are invasive. The location they need to be in to survive is in the same area as the high bush blueberry. Mr. Feener requested that Mr. Judd survey the trees and note any defects prior to construction.

Mr. Gulla asked where the tree line is.

Ms. Press stated the mitigation is proposed is excellent.

Public Comment: None

Conditions:

- **Verification that the mitigation to be planted will survive in the soil texture as presented**
- **Trees noted on plan for canopy line**
- **Trees noted on lawn area to be noted as species**
- **Trees that have signs of possible decay and that may need to be removed in future be noted on plan**
- **Planting plan to be approved**
- **Clarify where roof runoff goes**

Motion: To approve the project at 78 High Street, submitted by John Lazarus, to conduct renovations to a dwelling and to construct an addition with a foundation in the buffer to an inland resource area. (Map 164 lot 2).

1st: John Feener

2nd: Ann Jo Jackson

Vote: All approved 6-0

D. New – 28-2117- 6 Squam Lane, Notice of Intent submitted by Matthew Parisi, to construct a dwelling with a foundation and associated utilities, grading and driveway in the buffer to an inland resource area. (Map 92 lot 31).

Presenter: John Judd, Gateway Consultants

Mr. Judd stated that this is a vacant parcel of 15000 square feet. Between the house and resource is Squam Lane itself. The resource is to the right of the house of Squam Lane and the buffer associated with that goes through the house. It is a cleared lot and not a lot of opportunity for mitigation. The area that is being altered is across the road from the resource area. Erosion control is being proposed on the opposite side of Squam Lane.

Commission Comments:

Ms. Jackson asked if a narrative had been done.

Mr. Judd stated that one was not done but could be added. It is a straightforward project. The resource is approximately 60 feet off the road.

Ms. Press suggested for mitigation is to plant trees. There is no purpose for planting and the lot is treeless. About the 1/3 of house is in buffer

Mr. Judd stated that 450 square feet is needed for tree canopy.

Mr. Feener stated to try to plant close to the wetland. Would it make sense to plant in front of the property and the road with various species? Mr. Feener suggested to plant vegetation in front of the house to prevent erosion to the wetland.

Mr. Gulla stated that Mr. Feener brought up a good point regarding erosion over time and it would be a benefit to have some buffer in front of home near the street. A good combination is a few trees and edge plantings to prevent erosion.

Mr. Feener stated that a mature height for the trees should be double the size shown in the pictures. The environment is showing a shallow top soil and that is why nothing is growing. Mr. Feener also suggested planting vegetation by the boulders to thwart the growth of cat briar. It should be noted as part of maintenance plan

Conditions:

- **The catbriar that is starting to appear on the northerly the encroaching catbrier can be maintained to help establish new planting material designed to naturalize the zone of the property**
- **Prior to construction, planting plan must be submitted with the square footage**
- **Erosion control in each corner of the lot.**
- **A construction sequence to be submitted to the commission for a house built in the buffer zone**

Public Comment: None

Motion: To approve the project at 6 Squam Lane submitted by Matthew Parisi, to construct a dwelling with a foundation and associated utilities, grading and driveway in the buffer to an inland resource area. (Map 92 lot 31).

1st: Ann Jo Jackson

2nd: Barry Gradwohl

Vote: All approved 6-0

V. PUBLIC HEARINGS approximately 8:15 PM

A. New- 650 Washington Street, Notice of Intent submitted by Katherine McMillan, to conduct repairs to a collapsed seawall in riverfront and coastal resource areas. (Map 113 lot 10).

Ms. Jackson stated for clarification that this hearing was for an NOI which includes annual maintenance.

Presenter: Katherine McMillan, 650 Washington Street

Ms. McMillan stated that during the storm of December 27 the tidal surge made the seawall collapse. She stated she would like to repair it using the existing stone and that the work would be done by hand.

Commission Comments:

Ms. Press stated that a structural engineer needs to be involved so it won't happen again and the question is whether the work can be done at this time of year.

Mr. Gulla stated that from an environmental perspective that waiting to do the work could make it get worse.

Ms. McMillan stated that she has had 3 contractors come in and 2 of the 3 stated that the mortar would not hold up in this weather. She stated she had an engineer look at wall and was told to take down the whole wall. She stated she could not afford that type of work to be done.

Mr. Gulla stated that he would like to see if we can get someone to say that it is okay for now until the work can be done in the spring.

Ms. Press stated she would like to give a deadline for an engineer's statement or reinforcement for deadline for repair. However, the stone on the bottom need to be picked up.

Ms. Jackson asked what the annual maintenance entailed.

Ms. McMillan stated it is basically is re-pointing.

Mr. Gulla stated that there couldn't be any heavy equipment, mixing concrete in the marsh etc. Anything more than re-pointing must go in front of commission.

Mr. Feener stated a copy of the work proposal listing all the work that would be done and how.

Public Comment: None

Conditions:

- **Need engineer statement to include the work to be done, why it happened, detailed plan of the execution of work**
- **No heavy equipment to be used**
- **Spill kit on site**
- **Agent to be notified if more than annual re-pointing needs to be done**
- **All repairs to be complete by April 30, 2011**

Motion: To approve the project at 650 Washington Street submitted by Katherine McMillan, to conduct repairs to a collapsed seawall in riverfront and coastal resource areas. (Map 113 lot 10).

1st: Ann Jo Jackson

2nd: Barry Gradwohl

Vote: All approved 6-0

B. New- 28-2119- 6 Wyoma Road Notice of Intent submitted by Kathy Wilson, to conduct multiple renovations to dwelling, construct an addition with foundation, a garage on slab, replace septic system, construct a wall and add ramps in buffer to coastal bank resource area. (Map 257 lot 77).

Presenter: Bill Manuell, Wetlands and Land Management

Mr. Manuell stated that this is an older cottage home that needs renovation. The house sits on beach and on ledge. The footprint is shown with hatching and to the rear is Coffin Beach. There will be a new garage and the existing shed will come out. The garage is located over an existing driveway. There is a reduction in the amount of impervious area on site. The addition is over an existing deck and there are wood walkways that approach the house. In front of the home will be a handicap access ramp. The patio, which is cement, will not change in configuration. There will be wood decking on top of the cement to improve aesthetics. An upgraded septic has been approved by the Board of Health with a new leaching area. The work occurs in buffer zone in coastal bank. The wood walkway will be rebuilt in place and as part of the improvements; there is large infestation of phragmites in the area which will be eradicated and replaced with native and indigenous plants to stabilize the area. It will be a reduction of 59 square feet of impervious. The best way to eradicate phragmites is to herbicide them. The work would be done in the spring. If there is any overspray it will

hit the grass. The bulk of the work is on the landward side of home and on the seaward side of home is the patio work. The dumpster would go in the driveway.

Commission Comments:

Ms. Jackson asked how long before you can replant after applying herbicide

Mr. Manuell stated immediately.

Mr. Gulla stated concern about the construction debris falling down and wanted it to be clear that on stomping around on the down side and all work is to be kept on the deck.

Mr. Manuell stated that **sleepers** would be put on the deck, and fixed with a concrete nail.

Mr. Feener stated that for total phragmites control, applications would have to be in the spring and late September and it would take 2-3 years to achieve control. He also stated that Rodeo is not labeled for a spray for the waterfront. It is usually an erosion issue which causes an outbreak to begin with. It may need more tweaking as the project moves forward. The spraying aspect and the applicator will need to have an aquatics license.

Mr. Gulla stated to treat the replacement of the wood board as more of a maintenance issue and to do the work in stages.

Mr. Anderson stated that the replaced boards cannot be pressured treated wood.

Mr. Feener stated that the phragmites control should be part of a maintenance plan and keep it away from the construction portion of the project.

Public Comment:

John Carbone, 7 Wyoma Rd.

Mr. Carbone stated that he was in favor of the project and that his neighbors a honest sincere, and environmentally sensitive. The garage and renovation proposed will not harm the area.

Conditions:

- **Applicator of herbicide to have an aquatics license.**
- **Replaced boards for walkway cannot be pressured treated wood**

Motion: To approve the project at 6 Wyoma Road submitted by Kathy Wilson, to conduct multiple renovations to dwelling, construct an addition with foundation, a garage on slab, replace septic system, construct a wall and add ramps in buffer to coastal bank resource area. (Map 257 lot 77).

1st: Ann Jo Jackson

2nd: Charles Anderson

Vote: All approved 6-0

C. Continuation-28-2096- 134 & 136 Hesperus Avenue, Notice of Intent submitted by John Ferraro, to conduct site improvements for a new subdivision including; drainage, utilities, and roadway in buffer to an inland resource area. (Map 190 lots 41 & 61).

Motion: To continue the project at 134 & 136 Hesperus Avenue, Notice of Intent submitted by John Ferraro, to conduct site improvements for a new subdivision

including; drainage, utilities, and roadway in buffer to an inland resource area. (Map 190 lots 41 & 61) to an indefinite date.

1st: Ann Jo Jackson

2nd: Charles Anderson

Ms. Press stated that nothing has been started. The applicants have put the project on hold while doing some of the things we requested. It will need to be re-notified.

Vote: All approved 5-0 with Mr. Gradwohl abstaining.

D. Continuation-28-2102- 101R Riverview Road, Notice of Intent submitted by David de Sieyes, to re-point and or resurface existing seawalls and to increase height of walls in riverfront resource area. (Map 93 lot 7).

John Feener recused himself.

Presenter: Bill Manuell, Wetlands and Land Management

Mr. Manuell stated that there was a site visit with Ms. Press, Dave Sargent, and Jim Caulkett and the plan has been revised to reflect Mr. Caulkett's comments. Mr. Manuell reviewed the plans with the commission. He stated that Mr. Sargent had mentioned that the exterior of the wall should be constructed on the inboard side of the wall so it would splash back onto the existing surface. Ms. Press did note that there was a pipe coming out of the wall, and that pipe is to relieve the ground water. It not tied to the surface. We are working on the existing footprint of the wall and not increasing it.

Commission Comments

Ms. Press stated that she would like to review it a bit more closely and put on 7:05 slot at the next meeting.

Mr. Manuell stated that there is one section that ends, and would like to extend it 5-10 feet so dives into slope.

Conditions:

- Reduction in scope of work
- **Work with in existing footprint of wall**

Public Comment: None

Motion: To continue the project at 101R Riverview Road, Notice of Intent submitted by David de Sieyes, to re-point and or resurface existing seawalls and to increase height of walls in riverfront resource area. (Map 93 lot 7) to February 2, 2011 at 7:05

1st: Barry Gradwohl

2nd: Charles Anderson

Vote: All approved 5-0

VI. PUBLIC HEARINGS approximately 9:15 PM

A. Continuation-28-2109- 99A Essex Avenue, Notice of Intent submitted by Allan Hill, for after the fact removal of 42 cubic yards of soil in a riverfront resource area. (Map 218 lot 126).

John Feener rejoined commission.

Presenter: Attorney Michael Faherty,

Mr. Faherty stated that at the last meeting there was a question regarding a pump. The site was visited and the pump is a sump pump in the basement of a house and is pumping ground water and the water comes up through a hole. We have filed a detailed 4 page report describing the site conditions. At the conclusion of the limited response, there is a procedure that you have to go around perimeter to make sure that the oily soils have been captured and taken off site. The analysis revealed that there are elevated cadmium levels in the soil in the basin. Since the hotel developer is planning on using the same area as its recharge area for the groundwater, the decision was made to take it all out. We have a process that all the fill material in the basin will be removed. The cross-sections of the borings that were conducted indicate that only 4-5 of the 7 test pits had cadmium levels in it. We are seeking permission to excavate up to 600 cubic yards in the event that this goes further. Siltation matts will be put down around the site and will excavate the soil down to ground water. That soil will be replaced with clean tested gravel compacted and left in the same area.

Commission Comments:

Mr. Gulla stated that the removal of the toxins is in the best interest of the environment. We need documentation that the person is licensed. We need to make sure that this is in accordance Comprehensive Remedial Action Alternative as per 310 CMR. These guidelines must be in place.

Ms. Press stated that this is allowed under a limited project.

Mr. Faherty stated that we are not doing a limited project. We are engaged in the physical removal.

Ms. Press read from Limited Project regs section Q

Mr. Faherty stated that it was included in the narrative that if in fact if we run into any oil in the excavation that it would be taken out and processed through a tank. The soil is all compacted. The alternative is to pave it and put an AUL on it, but that would not obtain the objective that is in the other order of conditions. I believe we are talking about two different things.

Ms. Press asked where the borings were done and if under the building and under the cement platform was it tested too

Mr. Faherty stated no, because we are not proposing that. None of original soils indicated anything underneath the building. The other party did other test borings inside the building. There are two groups working here. The hotel group did tests and they only identified one test pit on the whole site that had some contaminants in it. It was in the basin approximately 10 feet off of the building. None of the other tests, including one through the floor indicated any issues. We were only addressing the one issue.

Ms. Press stated that Jim Pagett asked me to ask if below the cement platform was tested.

Mr. Faherty stated that they did not test there.

Mr. Gulla stated that the other group has to ask what they tested. They have to prove that it is clean. There are two parties dealing with two different issues.

Mr. Faherty stated that there were 2 complete site inspections done.

Ms. Press stated that the Hampton Inn people want to know where the borings are.

Mr. Faherty stated that he already had provided their environmental consultant with all the data.

Charlie Wear, Meridian Associates

Mr. Wear stated that he was not the person to ask about this information and that Mike DeRosa did the original testing.

Mr. Gulla stated that the information needs to be sent to the commission.

Ms. Press asked when the work was to be done

Mr. Faherty stated in the spring.

Ms. Press stated that she would like an LSP for the applicant and the Hampton Inn LSP to be here for the next meeting. It has changed every time this has come back to us.

Mr. Faherty stated that all the information has been provided in your files and have provided all the information to the Hampton Inn people as well. He stated that he did not understand why the Hampton Inn is going through Ms, Press with all these questions and not contacting him directly.

Mr. Gulla stated that he was irritated that Hampton Inn was wasting Ms. Press's time and this issue needs to be clarified. The testing needs to be double checked.

Mr. Feener asked if boring b11 was the one contaminated.

Mr. Faherty stated yes.

Mr. Feener asked that a Bill of Lading be supplied to the commission regarding the disposal of the contaminated soil and to note that boring b11 is the original contaminated site.

Public Comment: None

Motion: To continue the project at 99A Essex Avenue, Notice of Intent submitted by Allan Hill, for after the fact removal of 42 cubic yards of soil in a riverfront resource area. (Map 218 lot 126) to February 2, 2011.

1st: Ann Jo Jackson

2nd: Barry Gradwohl

Vote: All approved 6-0

B. Continuation- 28-2101-31 Stanwood Ave. Notices of Intent submitted by Gary Litchfield, Litchfield Company, to construct 3 duplex dwellings, driveways, utilities, grading and landscaping in a riverfront resource area. (Map 230 lot 51).

C. 28-2100 33 Stanwood Ave

D. 28-2099 35 Stanwood Ave

Motion: To continue the project at 31 Stanwood Ave. Notices of Intent submitted by Gary Litchfield, Litchfield Company, to construct 3 duplex dwellings, driveways, utilities, grading and landscaping in a riverfront resource area. (Map 230 lot 51), 28-2100 33 Stanwood Ave, 28-2099 35 Stanwood Ave to March 2, 2011.

1st: Ann Jackson

2nd: Barry Gradwohl

Vote: All approved 6-0

VII. AS TIME PERMITS: COMMISSION BUSINESS

A. Requests for Letter Permits/Modifications

Presenter: Kenneth Lento, National Grid.

Mr. Lento informed the commission regarding the continuing project of contamination at Harbor Loop. He stated that the well has been baled and product is still being found. They would like to upgrade the system..

Mr. Gulla stated that this machine draws out the contaminates and will dump into a drum that has a secondary container and then it is shipped off for disposal

Mr. Feener asked for a Bill of Lading for the commission's records.

Mr. Gulla asked what would happen in the event of a power loss.

Mr. Lento stated that if there is a problem with system there is a battery backup system.

Motion: To approve the modification at 19 Harbor Loop.

1st: Ann Jo Jackson

2nd: Charles Anderson

Vote: All approved 6-0

Mr. Lento also requested an extension for two years.

Mr. Gulla stated that the commission can award one year and then at that time to come back an update us.

Motion: To accept an extension for 1 year for 19 Harbor Loop.

1st: Ann Jo Jackson

2nd: Barry Gradwohl

Vote: All approved 6-0

VII. AGENT'S REPORT ON VIOLATIONS

None

B. Requests for Certificates of Compliance

28-2105 243 E Main St

28-816 1002 Washington St

28-1221 1002R Washington St

28-1222 1000R Washington St

28-2054 27 Marsh St

Motion: To approve the Certificates of Compliance at 243 Main, 1002 Washington, 1002R Washington, 1000R Washington and 27 Marsh St.

1st: Barry Gradwohl

2nd: Ann Jo Jackson

Vote: All approved 6-0

Emergency Certification for 52 Shore Road, Magnolia

Presenter: Ed Moll, Structures North

Mr. Moll stated that he had visited the site on January 3 and had a permit to repair a sink hole. Since then a second hole has opened up. He stated that the wall is unstable and is freestanding. The wall will not survive many more storms

Mr. Gulla asked if concrete be poured this time of year.

Mr. Moll stated yes.

Ms. Press stated that they filed and are on the agenda for February 2 and asked them to come forward to do what they need to do at this time. They will be doing ongoing work and is on the next agenda for that work.

Mr. Feener stated that he would like to adhere to the original plan that was approved.

Mr. Moll explained what they would be doing to improve the original plan.

Mr. Gulla stated that the work on the beach side must be controlled. He stated to contact Ms. Press and give notice to tell her when they are starting.

Ms. Press stated that what she has asked them to do is to reserve the rock work for the NOI and don't bury the footing in stone until it's discussed.

Motion: To accept the Emergency Certification for 52 Shore Road.

1st: Ann Jo Jackson

2nd: Barry Gradwohl

Vote: All approved 6-0

Motion: To adjourn at 10:00pm

1st: Ann Jo Jackson

2nd: Barry Gradwohl

Vote: All approved 6-0

If you would like additional information regarding the review status of a particular item, please contact the Community Development Conservation Department via e-mail at mdemick@gloucester-ma.gov or via phone at 978-281-9781.

Additional information can also be obtained on the Conservation Web Page at www.gloucester-ma.gov Click Community Development for a link to Conservation.

Commission Members: If you are unable to attend the meeting, please contact the Community Development office at 978-281-9781 or send Lisa or Marie an e-mail