

**CITY OF GLOUCESTER
CONSERVATION COMMISSION MINUTES
WEDNESDAY May 4, 2011 - 7:00 PM**

**CITY HALL, KYROUZ AUDITORIUM
ROBERT GULLA, CHAIRMAN**

Members Present:

Robert Gulla, Chair
Ann Jo Jackson, Co Chair
Barry Gradwohl
Charles Anderson
Helen Farr
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.

Ma Audubon

Lou Wagner, Massachusetts Audubon Society

Mr. Wagner stated that the order of conditions previously issued for the Eastern Point Bird Sanctuary stated that he needed to come back to the commission for review. He stated the project is going extremely well and would like to proceed for another year and continue with the phragmites and Stem cuts.

Motion: To approve the Massachusetts Audubon Society project for 1 year to include the patch.

1st: Ann Jo Jackson

2nd: Barry Gradwohl

Vote: Approved 6-0

Mr. Wagner also mentioned Pepper Weed control in the great marsh area and asked the commission advice on how to proceed to control it.

7 Pond Road

Presenter: Tim Corrigan 16 Curtis Square, Rockport, MA.

Mr. Corrigan stated he was here to receive permission to store building materials. He has replaced one old structure with a new structure.

Commission Comments:

Ms. Jackson stated that her biggest concern was the top of the bank. There is dead vegetation and cut vegetation and it will need to be put back as a buffer.

Mr. Gulla stated that the area must be protected. It will be a management issue.

**Public comment: None
Condition;**

- Plant shrubs on top of the bank

Motion: Negative Determination that will have little affect. To include in the proposal a row of shrubs to be determined by the agent

1st Barry Gradwohl

2nd Helen Farr

Vote: Approved 6-0

II. PUBLIC COMMENT – None

III MINUTES REVIEW

The commission review the minutes for January 19, February 16, and March 2, 2011.

Motion: Approval of January 19, February 16 & March 2 minutes

1st: Barry Gradwohl

2nd: Charles Anderson

Vote: Approved 5-0 with Helen Farr abstaining

IV PUBLIC HEARING approximately 7:15 PM

A. Continuation- 137 Wingersheek Rd Notice of Intent submitted by William Thiebault, to build a pool, patio, gazebo, retaining wall and septic upgrade in the buffer zone to a coastal resource area. (Map 260 lot 9).

B. Continuation- 137 Wingersheek Rd-

Motion:To continue 137 Wingersheek Rd Notice of Intent submitted by William Thiebault, to build a pool, patio, gazebo, retaining wall and septic upgrade in the buffer zone to a coastal resource area. (Map 260 lot 9) to May 18, 2011

1st: Ann Jo Jackson

2nd: Helen Farr

Vote: Approved 6-0

Rob Gulla recused himself

85 Wingersheek- Modification

Presenter: Michael Nimon

Mr. Nimon stated that he would like to put in a generator and move the condenser 2 feet above on a platform off of the resource area. The generator will be on the ground in its place. The pad needs to be built.

Motion: To accept the minor modification at 85 Wingersheek to allow the generator to put on a pad and compressor to be elevated two feet.

1st Barry Gradwohl

2nd: Charles Anderson

Vote: Approved 5-0

Rob Gulla rejoined the commission

C. New NOI- 280 Atlantic Road Notice of Intent submitted by Richard Kohn, to construct an inground swimming pool in buffer to coastal bank. (Map 134 lot 27).

Presenter: Cynthia Danaher, 280 Atlantic Road, Gloucester, MA

Ms. Danaher stated she would like to install a 16x32 pool in her front yard
Ms. Press stated that the project is 50 feet from the coastal bank. There will be mitigation planting for the pool.

Commission Comments:

Mr. Gradwohl asked what would be done with the water in the winter.

Ms. Danaher stated that it would be left in the pool for the winter;

Mr. Gulla stated the water cannot be ejected into the ocean. Mr. Gulla asked if there is a planting plan.

Ms. Press stated there is no plan at this time; however one must be submitted before the pre-construction site walk. However, the applicant has planted a large area of native shrubs prior to the filing in anticipation of mitigation and that should be counted.

Public Comment: None

Conditions:

- **Planting plan to be submitted to the agent prior to construction.**

Motion: To approve the project at 280 Atlantic Road, Gloucester, MA

1st: Barry Gradwohl

2nd: Helen Farr

Vote: Approved 6-0

D. New – NOI- 211 E Main St. Notice of Intent submitted by John Alexander Jr, to replace 70 pilings, and repair decking in a coastal resource area. (Map 79 lot 2).

Presenter: Cheryl McCarthy, 17 Goodwin Rd, Gloucester, MA.

Ms. McCarthy stated the existing pilings will be replaced.

Commission Comments:

Ms. Press stated that this desperately needs to be done. It's in DPA. They will need to use a boom.

Ms. Jackson asked about the materials that would be used for the piles.

Ms. McCarthy stated they would be CCA piles..

Ms. Farr stated concern about all of the debris and any possible contamination.

Mike Amaral, 80 Friend Street, BTT Marine Construction

Mr. Amaral stated all materials would be trucked off site.

Mr. Gulla stated to make sure that all debris is properly disposed of.

Public Comment: None

Conditions:

- **Removal plan of debris to be submitted to the agent prior to construction**

Motion: To accept the project at 211 E Main St. submitted by John Alexander Jr, to replace 70 pilings, and repair decking in a coastal resource area. (Map 79 lot 2).

1st: Ann Jo Jackson

2nd: Helen Farr

Vote: Approved 6-0

V. PUBLIC HEARINGS approximately 8:15 PM

Rob Gulla recused himself

- A. New- RFD 90 Dennison St-** Request for Determination submitted by Chris McCarthy, to construct a deck on sonotubes (Map 115, Lot 31).

Presenter: Chris McCarthy 90 Dennison St, Gloucester, MA.

Mr. McCarthy stated that he had previously received a letter permit to build the deck, but it expired before it was built. The sono tubes are already in place. The deck will be built by the new owners of the property.

Commission Comments:

Ms. Press stated Mr. McCarthy put in the request for the deck and also filed a request for a COC. There is a paved area of the driveway that wasn't on the plan and mitigation is needed. Mr. McCarthy spent all day planting 1000 square feet of native shrubs. Ms. Press stated the new owners of the property must be informed and honor that the newly planted area is a no disturb zone. It can't be mowed or pruned.

Public Comment: None

Conditions:

- **Native plantings are not to be mowed around or pruned**
- **Owners must be informed it is a No Disturb Zone**
- **Monitoring of newly planted plants for the next two years and if any die they need to be replaced.**
- **Mr. McCarthy to provide a list of the new plantings to Lisa Press**
- **Maximum spacing of deck boards to be in compliance with the building inspectors office.**
- **No pressure treated wood for decking**

Motion: Negative Determination for the project at 90 Dennison St- submitted by Chris McCarthy, to construct a deck on sonotubes (Map 115, Lot 31).

1st Barry Gradwohl

2nd: Helen Farr

Vote: Approved 5-0

Motion: To accept the COC for 90 Dennison St- submitted by Chris McCarthy, to construct a deck on sonotubes (Map 115, Lot 31).

1st: Barry Gradwohl

2nd: Helen Farr

Vote: Approved 5-0

- B. New – NOI- 239 Eastern Ave.** Notice of Intent submitted by Chris McCarthy, Eastern Avenue Storage, after the fact removal of vegetation, with proposed maintenance of stream crossing by hand, and to clear debris pile from buffer to an inland resource area. (Map 161 lots 9, 11).

Presenter: Chris McCarthy, 90 Dennison St. Gloucester, MA.

Mr. McCarthy stated the property was purchased in 2000, as a contractor's yard. Since then it has been cleaned up and a storage building has been installed. We have improved the property. The east part of property has a stream. That area is overgrown. The neighbors and others started dumping debris, storing a boat, etc. We have since removed the debris ourselves. In the buffer we cut some vegetation within 100 feet. We would like to continue to clean the property up. The entire property has been filled with rock stone hot top, concrete and we would like to leave it more of a field and at some point put in a fence.

Commission Comments:

Ms. Press stated the site is invaded with Japanese Knotweed and suggested as part of the mitigation plan, he should remove the knotweed. The old debris has been removed. Native plants should be planted in the first 50 feet.

Mr. McCarthy would like to have a site visit with the commission.

Ms. Jackson scheduled a site walk for Wednesday May 11th at 3:00pm.

Public Comment:

Acristio Baldazano 9 Tarr Road, Gloucester, MA. 01930

Mr. Baldazano stated his concern with where the road will be because of the stream that runs heavy in the spring.

Mr. McCarthy stated there is an existing roadway and it will be left alone and he invited Mr. Baldazano to the site walk.

Motion: To continue 239 Eastern Ave. Notice of Intent submitted by Chris McCarthy, Eastern Avenue Storage, after the fact removal of vegetation, with proposed maintenance of stream crossing by hand, and to clear debris pile from buffer to an inland resource area. (Map 161 lots 9, 11) to June 1

1st: Helen Farr

2nd: Barry Gradwohl

Vote: Approved 5-0

Rob Gulla rejoined the commission.

C. Continuation- 21 Ferry Hill Rd Notice of Intent submitted by Stan Michalak, to construct a stairway and install a new pier, ramp, and float in a riverfront resource area. (Map 91 lot 14.)

Presenter: Bill Manuel, Wetlands and Land Management

Mr. Manuel stated there was a site walk with Dave Sargent and Jim Caulkett and both agreed there was no hazard to navigation. Also, both agreed that helical anchors could not be used, but to use a granite block or stone. A revised plan has been submitted to the commission. The float will be brought onto the rock wharf in the off season.

Commission Comments:

Ms. Press stated the issues have been addressed. DMF helical anchor will not work and there will not be any concrete used on the coastal bank. Ms. Press stated to keep in mind the stairs to be built must allow enough light for vegetation to grow and water to move through.

Public Comment: None

Conditions:

- Open risers for stairs so vegetation can grow and water can move through.
- No pressure treated wood to be used

Motion: To approve the project at 21 Ferry Hill Rd submitted by Stan Michalak, to construct a stairway and install a new pier, ramp, and float in a riverfront resource area. (Map 91 lot 14.)

1st: Ann Jo Jackson

2nd: Helen Farr

Vote: Approved 4-0 with Rob Gulla and Barry Gradwohl abstaining

C. Continuation- 190 Hesperus Avenue, Notice of Intent submitted by Thomas O' Flynn, to enlarge structure, add a garage, driveway, walls and patio and to conduct drainage and landscaping activities in buffer to a coastal resource area. (Map 167 lot 4).

Presenter: Bill Manuel, Wetlands and Land Management

Commission Comments:

Ms. Press stated that engineering has reviewed the plans and had no comments.

Public Comment: None

Motion: To approve the project at 190 Hesperus Avenue, submitted by Thomas O' Flynn, to enlarge structure, add a garage, driveway, walls and patio and to conduct drainage and landscaping activities in buffer to a coastal resource area. (Map 167 lot 4).

1st: Ann Jo Jackson

2nd: Charles Anderson

Vote: Approved 4-0, with Rob Gulla and Barry Gradwohl abstaining.

VI. PUBLIC HEARINGS approximately 9:15 PM

A. 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).

B. 28-2100 33 Stanwood Ave

C. 28-2099 35 Stanwood Ave

Presenter: Bill Manuel, Wetlands and Land Management, Danvers MA.

Mr. Manuel stated that the commission concerns regarding the alternatives analysis and impacts have been taken into consideration and that he would like to get the view of the commission regarding an alternative of dropping one lot so it would have less impact on the site. It has not been proposed formally yet.

We will drop one of the lots and hold that in abeyance until the appeal period ran for the other two lots. What we would also propose is that whatever lot gets dropped, it would be deed restricted against development in the future as well as the remaining open space on the lots that are approved. We would like to eliminate Lot 3 and move forward with lots 1 & 2. It would eliminate 7500 square feet of riverfront impact & eliminate 9500 square feet of total site impact. It brings the riverfront area impasse overall in line with the other alternatives presented to you.

We would like you to consider whether an alternative has less impact by eliminating one lot.

Commission Comments:

Mr. Gulla stated it is a step in the right direction; however, there are still two issues to be addressed. The issue of alternative analysis for other sites still needs to be provided.

Mr. Manuel stated recall what I said when I did submit that information. Mr. Sova is entitled to develop his land. The regulation do allow for an owner to develop his property. We will provide that information that you have asked for.

Mr. Gulla stated there has been plenty of case law where projects have been denied and upheld. We have the right to judge

Ms. Jackson concurred with Mr. Gulla. Ms. Jackson stated that looking at the riverfront that the offsite Alternative Analysis needs further detail.

Mr. Manuel asked how the commission feels about the existing on site alternatives. He stated he would like to hear some comments.

Mr. Anderson stated it was a step in the right direction.

Ms. Press stated the commission needs something formal to comment on and that is the next step.

Mr. Manuel stated he was hoping for to get a strong sense of direction. There are other lots available in other parts of town and they don't work.

Mr. Gulla stated that a design is needed.

Ms. Press asked the commission of the alternatives presented, do you see one of them the least environmentally impactful.

Gary Litchfield 83 Kendrick St Burlington Ma

Mr. Litchfield stated that the information can be provided.

Mr. Gulla stated that the removal of the third duplex would be the most beneficial.

Ms. Farr stated the offsite alternative analysis could have been provided tonight in addition to this proposal.

Public Comment:

Kathryn Heinze. 38 Stanwood Ave

Ms. Heinze presented the commission with horseshoe crabs stating that it is a spawning ground them and other species. She stated this proposal would not be good for the environment. She believes the calculations for the riverfront area is incorrect and didn't think you could combine both riverfront areas. She stated the commission should postpone this project until the new FEMA maps come out.

Julie Kenyon, 29 Stanwood Ave

Ms. Kenyon stated she agrees with all of Ms. Heinze statements.

Daniel Brown 28 Stanwood Ave

Mr. Brown stated his objection to the project and believed the amount of cars that would be in the area if the project was approved would significantly impact the area. The duplexes are out of character for the site and will cause deterioration of it.

Ms. Press stated she will ask Bill Jones and DEP about the map of the riverfront. The 10% of two different riverfronts and is that legitimate or do they need to be under 10 % or under of that one riverfront.

Motion: To continue the project at 31 Stanwood Ave. B. 28-2100 33 Stanwood Ave, C. 28-2099 35 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) to June 1, 2011.

1st: Ann Jo Jackson

2nd: Charles Anderson

Vote: Approved 4-0 with Barry Gradwohl and Steve Phillips abstaining.

D. Continuation- 28-2125 - Newell Stadium, 26 Centennial Avenue, Notice of Intent submitted by the City of Gloucester, DPW, to remove and replace athletic field, add additional fill, remove and replace seating and to construct an accessory building in the buffer to inland and coastal resource areas. (Map 4 lot 1)

Motion: To continue Newell Stadium, 26 Centennial Avenue, Notice of Intent submitted by the City of Gloucester, DPW, to remove and replace athletic field, add additional fill, remove and replace seating and to construct an accessory building in the buffer to inland and coastal resource areas. (Map 4 lot 1) to July 6, 2011

1st: Barry Gradwohl

2nd: Charles Anderson

Vote: Approved 6-0

VII. AS TIME PERMITS: COMMISSION BUSINESS

A. Requests for Letter Permits/Modifications
19 wheeler St;

Motion: To approve the modification for trench at 19 Wheeler Street

1st: Barry Gradwohl

2nd: Charles Anderson

Vote: Approved 5-0 Rob Gulla had recused himself

VII. AGENT'S REPORT ON VIOLATIONS

Niles Beach

B. Requests for Certificates of Compliance

28-2090 58 Shore Rd

Motion: To approve the COC for 58 Shore Rd

1st: Ann Jo Jackson

2nd: Charles Anderson

Vote: Approved 6-0

C. Requests for Extension Permits

Motion: To Adjourn

1st : Ann Jo Jackson

2nd: Steve Phillips

Vote: 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