

CITY OF GLOUCESTER
DRAFT CONSERVATION COMMISSION MINUTES
WEDNESDAY July 20, 2011 - 7:00 PM
CITY HALL, KYROUZ AUDITORIUM
ROBERT GULLA, CHAIRMAN

Members Present:

Robert Gulla, Chair
Steve Phillips
Helen Farr
Charles Anderson
Barry Gradwohl
Ann Jo Jackson- Absent
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. None**
- II. PUBLIC COMMENT - None**
- III MINUTES REVIEW- Continued until August 3, 2011**
- IV PUBLIC HEARING approximately 7:15 PM**
 - A. Continuation-28-2151- 8 Riggs Point Road, Notice of Intent submitted by Mary Villare, to demolish and re-build single family dwelling with a deck in riverfront resource area. (Map 112 lot 71).**

Motion: To continue the hearing at 28-2151- 8 Riggs Point Road, Notice of Intent submitted by Mary Villare, to demolish and re-build single family dwelling with a deck in riverfront resource area. (Map 112 lot 71) to August 17, 2011.

1st: Barry Gradwohl

2nd: Charles Anderson

Vote: Approved 5-0

- B. Continuation-28-2153- 15 Horton St Notice of Intent submitted by Ginger Attaya, 15 Horton Street, to enclose a deck portion, add 3 piling supports and an addition on a frost wall foundation in a coastal resource area. (Map 128 lot 23)**

Presenter: Ginger Attaya, 15 Horton Street

Ms. Attaya stated there are some minor changes to the proposed plan. There will be a window added onto the peak of the porch, adding a rain dispersing hardware that turns rainwater off of a roof into small droplets to help with erosion and on the right part of the house there will be a flat roof.

Mike DeRosa, DeRosa Environmental

Mr. DeRosa stated for the 168 square foot addition there will be a mitigation plan that will fall in two areas that will total to 900 square feet. Both areas have invasive species now. We will bring in 2.5 inch caliper shadbush Grey Dogwood, Beech Plum, Northern Bayberry which will help stabilize soils. Area B has an over story of an older Cherry. Mr. DeRosa explained to the board how area will be planted in both areas and stated it will be allowed to naturalize to help the habitats in the area.

Commission Comments:

Mr. Gulla stated that any tree pruning on the property will not be done without Agent's permission.

Ms. Press stated there are comments from Dave Sargent and Jim Caulkett about the 3 pilings. They do not have any problems with it. They are just replacing wood pilings to concrete.

Public Comment:

Sheri DeLorenzo 1 Horton Street.

Ms. DeLorenzo read a letter from Beverly Shaffer of 21 Horton Street. It is a letter of support. Ms. DeLorenzo stated that she is in full support of the project.

Ted Williams 17 Horton Street

Mr. Williams stated the landscape design is worthless. There are rules and laws related to building on the coastal bank to be abided by: 310 CMI Section 9.32 Categorical restrictions on fill and structures. The Gloucester Wetlands Act Article 2 section 12-10 - 11 and 11A prohibit building structures or filling on coastal banks. You cannot alter the drainage characteristics on coastal bank. The Gloucester Wetlands act Section 12-12, sub paragraph 3 says. Any conflict between the state and local rules tells you to apply the more protective measures under state law. This project is against the laws as written.

Also a new Chapter 91 must be granted first.

I was asked to participate in the mitigation process. Local flora survives there because it is tough and has held the coastal bank for 50 years. I don't believe that any of the new plantings proposed will survive. The blasting and digging will have a bad effect on the site and my property as well. This project will have a negative impact on the coastal bank.

Mr. Phillips asked Mr. Williams what section of the Gloucester Ordinance he was relying on

Mr. Williams stated 1210-11a.

Ms. Press read the ordinance to public. She stated that Mr. Williams is quoting from Chapter 91.

Mr. Williams asked the Commission what the rational of building a structure on a coastal bank is.

Mr. Gulla stated this commission job is to decide if there is an impact to the environment. DEP and other environmental groups have pushed us regarding invasives to use this tool to control invasive species. Mr. Gulla stated that in his opinion that right now we get more bang for our buck with this proposal.

Mr. Williams stated that in the Gloucester Wetland Act the commission is required to use the same presumption, rules and laws that the DEP uses. They have categorical restrictions that prohibit building structure on the coastal bank. 310 CMR section 10.

Ms. Press stated under the DEP Wetlands Act, not under Chapter 91. 310 CMR is a number of laws. We have reviewed the sections you have cited. We don't make a decision on someone's Chapter 91 license.

Mr. Gulla stated we don't oversee that section. That is Waterways.

Mr. Phillips stated this commission has no jurisdiction on the section you are relying on.

Mr. Williams stated Mike DeRosa will be bringing in loam and topsoil. Now we are again changing the structure of the drainage in the area. Mr. Williams asked the commission to postpone the vote until it re-reads the ordinances.

Mike DeRosa stated that DEP had no comments

Mr. Gulla asked if a mortality clause was put into the proposal.

Mr. DeRosa stated yes it is in the proposal. It also has a clause to bring in soil. The actual project is outside the resource area. We are not working in coastal bank.

Ms. Press asked Ms. Attaya how far in the piles were.

Mr. Gulla suggested to keep the columns two feet off the cove to the edge and cantilever them back to the edge towards the coast, so the piers can be kept back a bit. They need to go 4 feet deep and only need to be 8 inches in diameter

Mr. DeRosa stated they will be pinned to the ledge.

The Commission discussed continuing the project and review the conditions at the next meeting.

Motion: To continue the project at 28-2153- 15 Horton St Notice of Intent submitted by Ginger Attaya, 15 Horton Street, to enclose a deck portion, add 3 piling supports and an addition on a frost wall foundation in a coastal resource area. (Map 128 lot 23) to August 3,2011 to the 1-5 Minute review slot.

1st: Barry Gradwohl

2nd: Steve Phillips

Vote: Approved 5-0

C. New-, 4 Stanwood Avenue, Request for Determination submitted by Shaun Powers to construct an above ground pool in buffer to an inland resource. (map 219, lot 101)

Presenter: Shaun Powers 4 Stanwood Avenue

Mr. Powers stated he met with Ms. Press and there are two trees that are in danger of coming down. They are dying from the top down. It is a safety concern. There will be no excavation.

Public Comment: None

Motion: A Negative Determination for the project at 4 Stanwood Avenue submitted by Shaun Powers to construct an above ground pool in buffer to an inland resource. (map 219, lot 101)

1st; Charles Anderson

2nd: Barry Gradwohl

Vote: Approved 5-0

D. New-28-2156 582 Essex Ave-, Notice of Intent submitted by Hugh Prichard to replace a failed culvert and to connect to municipal utility services in buffer to and in and inland resource area. (Map 237 lot 26).

Presenter: Hugh Prichard, 582 Essex Ave

Mr. Prichard stated he is creating a living space and want to connect to municipal utilities. There is a culvert that goes underneath the driveway. We are concerned that it is failing and we will run into issues father down the road. Mr. Prichard reviewed the construction sequence with the commission. The culvert project will take two days.

Commission Comments:

Ms. Press stated it is well thought out project.

Public Comment: None

Motion: To approve the project at 28-2156 582 Essex Ave-, submitted by Hugh Prichard to replace a failed culvert and to connect to municipal utility services in buffer to and in and inland resource area. (Map 237 lot 26).

1st: Barry Gradwohl

2nd: Charles Anderson

Vote: Approved 5-0

VII. AS TIME PERMITS: COMMISSION BUSINESS

A. Requests for Letter Permits/Modifications
28-1835 33 Nashua Ave amend planting plan

Ms. Press stated the planting has not been done as required. A 15 vegetated buffer swath around the yard and she wants an adjustment to the plan. Ms. Press reviewed the plan with the commission. She stated it was a good plan and there were no issues with it.

Motion: To approve the minor modification plan for 28-1835 33 Nashua Ave.

1st: Helen Farr

2nd: Charles Anderson

Vote: Approved 5-0

1225- 189 Hesperus Ave RDA minor amendment

Ms. Press stated the applicant has already mitigated for the area. She wants to pave a small area of driveway. There are no issues.

Motion: To approve minor amendment at 1225- 189 Hesperus Ave RDA minor amendment.

1st: Helen Farr

2nd: Charles Anderson

Vote: Approved 5-0

VII. AGENT'S REPORT ON VIOLATIONS

16 Rocky Neck Avenue

Ms. Press stated this violation was seen during the site walk on Bickfords. Earthworks was doing work on Rocky Neck on coastal bank. The work being done is re-pointing the stone wall, drainage, sumped water, gravel added, vegetation removed. Pictures of the worked were presented to the commission.

Tim Corrigan Curtis Street Rockport MA. Owner of Earthworks

Mr. Corrigan stated that this property has been in a state of disrepair and Earthworks was called in to repair the wall. He explained the extent of work and why it was done. He stated he has been working on seawalls for 25 years.

Mr. Corrigan apologized to the commission

Mr. Gradwohl asked if the building department issued a permit.

Mr. Corrigan stated no.

Mr. Phillips stated Mr. Corrigan has indicated he has been working on seawalls for 25 years and must be used to coming in front of conservation commissions for 25 years.

Mr. Corrigan stated that he has come before commissions before, but the restrictions that are in place now are much stricter than before.

Mr. Gulla suggested that there are many concerns with the work being done. It may have created a worse condition for the environment.

Ms. Press stated Engineering should review it.

Mr. Gulla stated that Mr. Corrigan hire an engineer who understands environmental concerns to review the work.

Mr. Phillips stated he is a vote for violation for enforcement. We have just heard DEP on a related matter very recently and there is good reason why they do not approve for NOI and after the fact violations. After what we have heard, I am concerned that this applicant has not adhered in general to the applicable laws and violations.

Ms. Press suggest after the fact filing fees, engineer to review the scope of work, our engineer to review what the applicants engineer says at a meeting. Have shellfish review it and have harbor master have a site walk.

Mr. Gulla stated to Mr. Corrigan that an enforcement letter will be sent and what will be expected moving forward.

Ms. Press stated to Mr. Corrigan that it is now a cease and desist until you come back before us.

Motion: Find a violation for 16 Rocky Neck Avenue and direct agent to send out an enforcement order

1st: Steve Phillips

2nd: Charles Anderson

Vote: Approved 5-0

B. Requests for Certificates of Compliance
28-1821 141 Essex Ave- re-sign

28-183 31 & 28-646 31 Rocky Neck Ave

Ms. Press stated that these are two old COC's from Bickfords. Mike Faherty wanted to close out old orders. One was for float orders and one for the repair of existing piers.

**Motion: To approve the Certificates of Compliance for 28-183 31 & 28-646 31
Rocky Neck Ave
1st: Barry Gradwohl
2nd: Helen Farr
Vote: Approved 5-0**

Commission Discussion: The Lanesville Fish Shack

Mr. Phillips asked about the ownership status of the fish shack. Ownership has responsibilities and liabilities. We should have a voice in decisions that are being made with it.

Ms. Press stated the City owns the land and we are in charge of the management of it. The ownership of the shack is in question. Suzanne Egan says we are not the owners of it. The Mayor called a meeting to discuss it and a building committee was set up. What is being discussed at this time is to shore up the building from the inside, but anything more than that will cost money. No one will be allocating any money until there is a use for it.

Mr. Gulla stated the commission needs clarity on its responsibility.

Mr. Phillips asked Ms. Press to formally request the City Solicitor to provide information about the ownership of the shack and the land.. If I'm going to be an owner, I want to know what is going on. Mr. Phillips also asked about the work that was supposed to be done to the shack that was previously approved.

Ms. Press stated nothing has happened.

Mr. Phillips asked about the status of the Conservation Commission Fund.

Mr. Gulla provided the history of the Conservation Funds to the commissioners.

**Motion: To Adjourn
1st: Steve Phillips
2nd: Charles Anderson
Vote: Approved 5-0**

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