

**CITY OF GLOUCESTER**  
**DRAFT CONSERVATION COMMISSION MINUTES**  
**WEDNESDAY September 7, 2011 - 7:00 PM**  
**\*\*\*1<sup>st</sup> floor conference room\*\*\***  
**ROBERT GULLA, CHAIRMAN**

**Members Present:**

Rob Gulla, Chair  
Ann Jo Jackson, Co-Chair  
Steve Phillips  
Charles Anderson  
Barry Gradwohl

**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.

28-2158 32 Horton Street conditions

**Ms. Press** stated that DEP was nervous about this happening under an emergency certificate. Ms. Press told the applicant to come to her office Friday for the Order, wait 10days to record it and then record it when appeal period is over.

**Motion: To approve the conditions at 32 Horton Street.**

**1<sup>st</sup>: Ann Jo Jackson**

**2<sup>nd</sup>: Barry Gradwohl**

**Vote: Approved 5-0**

**II. PUBLIC COMMENT - None**

**III MINUTES REVIEW**

**Motion: To approve July 20 & August 17, 2011 minutes**

**1<sup>st</sup>: Ann Jo Jackson**

**2nd: Barry Gradwohl**

**Vote: Approved 5-0**

**IV PUBLIC HEARING approximately 7:15 PM**

- A. New- 16 Winthrop Avenue**, Request for Determination submitted by Julie Cooper, to install a stone barrier and an above ground planting bed in buffer to inland resource. (map 230, lot 23)

**Presenter: Julie Cooper 167 Winthrop Ave**

**Jakob Neubacher, 27 Cabot St, Beverly, New Brook Landscape Design LLC**

**Mr. Neubacher** stated that there is a proven method for containing bamboo. He reviewed the plan with the commission..

**Ms. Press** stated she understands how the bamboo won't spread out with the barrier. But she asked how will it not go down and then spread up and around.

**Mr. Neubacher** stated there are many different varieties of bamboo. The bamboo being planted will not go beyond 12 inches deep. Mr. Neubacher guaranteed that it would not spread with proper yearly maintenance.

**Mr. Gulla** stated that if there is maintenance that has to be done that has to be done every year how will that be transferred to any new owner of the property. The bigger issue is that if it is not on an invasive list- we cannot pass judgment on it.

**Condition:**

- **Maintenance plan for the bamboo to be in place**

**Public comment: None**

**Motion: Negative Determination for 16 Winthrop Avenue, for Julie Cooper, to install an stone barrier and an above ground planting bed in buffer to inland resource. (map 230, lot 23)**

**1<sup>st</sup>: Ann Jo Jackson**

**2<sup>nd</sup>: Barry Gradwohl**

**Vote: Approved 5-0**

**B.New- 26 Grapevine Road**, Request for Determination submitted by Nancy Sullivan & Stephen Kent, to install a septic tank, connect to municipal sewer, conduct landscape renovations, and remove and replace a shed in buffer to inland resources. (map 83, lot 37)

**Presenter: Steven Kent, 45 Links Rd ,Gloucester**

**Mr. Kent** stated that the septic system has failed and they need to install pump tank and connect to the city. At the same time there is an existing asphalt driveway that will be pulled up and widened by 5 feet and create a turnaround. It will be gravel. Underneath the turnaround a drywell will be installed to catch the downspouts from the house. A smaller shed will be replacing the existing one.

**Commission Comments:**

**Mr. Gradwohl** asked if the shed could be moved back to get it out of the buffer.

**Mr. Kent** stated we would run into trees. If it is placed as is there is opportunity for more planting.

**Public comment: None**

**Motion: Negative Determination for 26 Grapevine Road, y Nancy Sullivan & Stephen Kent, to install a septic tank, connect to municipal sewer, conduct multiple landscape renovations, construct addition and remove and replace a shed in buffer to inland resources. (map 83, lot 37)**

**1<sup>st</sup>: Ann Jo Jackson**

**2<sup>nd</sup>: Barry Gradwohl**

**Vote: Approved 5-0**

**C. New- 28-2159 61 Shore Road**, Notice of Intent submitted by Virginia Markell, James & Marcia Noga, to replace a septic system and to relocate utilities and add a parking area in a buffer to a coastal resource area. (Map 168 lot 33).

**Presenter: Chuck Johnson CG Johnson Engineering, Hamilton**

**Mr. Johnson** stated that this project is to upgrade the existing septic, put in a parking area and underground utilities. He explained the site to the commission. The work is in the 100 foot buffer zone and there is Board of Health approval. Soil testing has been done. It will be a new 2000 gallon tank, bio filter with a bottomless sand filter. This system is ultimately a quarter to the fifth of the size of a normal design. We are also proposing to go underground with the wires around the bottom of the sand filter and also a parking area. There will be retaining wall, pavers and pea stone.

**Commission Comments:**

**Mr. Gradwohl** asked for the elevation of the sand pit.

**Mr. Johnson** stated it is elevation 17. The bottom of pea gravel is 22 feet It is 5.5 feet above the elevation. It is about 6 feet higher than the flood elevation. 4 new shrubs will be planted along the drive.

**Public comment: None**

**Motion: Approval of the project at 1 Shore Road, submitted by Virginia Markell, James & Marcia Noga, to replace a septic system and to relocate utilities and add a parking area in a buffer to a coastal resource area. (Map 168 lot 33).**

**1<sup>st</sup>: Ann Jo Jackson**

**2nd: Charles Anderson**

**Vote: Approved 5-0**

**D. Amend - 28-2134- 21 Ferry Hill Road-** Stanley Michalak, to amend existing order of conditions, to change construction method of pier and proposed location of ramp and float in riverfront resource area. (Map 91 lot 14).

**Presenter: Bob Griffin, Griffin Engineering, Beverly Ma**

**Mr. Griffin** stated that this project was first presented in April. It consists of building a set of wooden stairs to go down from the coastal bank to a 10x12 wooden pier, a gangway, and a 10x 20 foot float. The staircase is in the exact location as it was in April. The size of float and ramp is the same. The support for the pier will be supported differently than originally designed. It is now going to be supported by a concrete anchor block and abutment. The concrete abutment is aligned with the flow of the river It allows us to cantilever over the last 3 feet 6 inches of the pier. It is a better plan from a structural point of view.

**Bill Manuell, Wetlands and Land Management:**

**Ms. Press** stated that what is proposed here is not unusual. It is a concrete piling close to coastal bank in the buffer zone.

**Public comment:**

**Cynthia Harden 161 Fulton St Medford**

**Ms. Harden** stated her only concern is that we have a mooring, and it is between both docks and we need some maintenance on it. We are concerned with the swing of the boat.

**Mr. Gulla** stated for Ms. Harden to speak with Harbormaster

**Kirk Cochran 23 Ferry Hill Road**

**Mr. Cochran** stated his concern was the two front moorings that are coming out perpendicular from the float.

Mr. Gulla stated that unless it is an environmental issue we cannot speak to it.

**Carl Fish, 13 Ferry Hill**

**Mr. Fish** stated his concern is the mussel bed that runs along there.

**Ms. Press** stated that Dave Sargent did have comments on the project.

**Mr. Gulla** asked Ms. Press to follow up with the Shell Fish Constable.

**Motion: Approval for the project in its entirety with the revised conditions at 21 Ferry Hill Road- Stanley Michalak, , to change construction method of pier and proposed location of ramp and float in riverfront resource area. (Map 91 lot 14).**

**1st: Barry Gradwohl**

**2nd: Ann Jo Jackson**

**Vote: Approved 5-0**

**V. PUBLIC HEARINGS approximately 8:15 PM**

**A. New -147 Essex Avenue** Request for Determination submitted by Essex Pond Land LLC requests the Conservation Commission to determine the applicability of the Wetlands Protection Act and the local Wetlands Ordinance, to demolish building D and to re-grade surrounding surfaces in buffer to inland resources. (map218, lot 32)

**Jeff Nagle, 82 Old Turnpike Road, Salisbury, NH**

**Mr. Nagle** stated that while we were focusing on finishing the project we got a structural engineers report stating that building D is unstable, the roof has asbestos and we need to demolish of the building. There is a 2000 square foot in reduction of impervious.

We are going to leave slab in place, punch holes in it so water can pass through. There is a net reduction of 2000 square feet of impervious. Eventually a gazebo will be built with green space. No material will be stockpiled on site and dust control is stringently controlled. It will be taken down from within and trucked off site. Capping requirements are on file with DEP.

**Public comment: None**

**Conditions:**

- **All debris to be trucked offsite**
- **Dust control to be monitored**

**Motion: Negative Determination for the project at 147 Essex Avenue ,Essex Pond Land LLC , Conservation Commission to determine the applicability of the Wetlands Protection Act and the local Wetlands Ordinance, to demolish building**

**D and to re-grade surrounding surfaces in buffer to inland resources. (map218, lot 32)**

**1<sup>st</sup>: Ann Jo Jackson**

**2nd: Barry Gradwohl**

**Vote: Approved 5-0**

**B. New-28-2157 47 River Road**, Notice of Intent submitted by Douglas Ritchie, to repair or replace an existing seawall in a coastal resource area. (Map 118 lot 4).

**Presenter: Bill Manuell, Wetlands and Land Management**

**Mr. Manuell** stated that Mr. Ritchie has a wharf and the outer wall portions of it are bulging out. It needs to be excavated down behind the wall. The plan is to take it down to the bottom. The wall is made of smaller granite block and some bigger blocks have been acquired. Nothing is going to change. The stockpile will be in the grass and covered. This project will work with the tides. Filter fabric and crushed stone will be in place. There will be an excavator on site for the digging. During the times when work has to stop filter fabric will be put in place to control fines. There is a Chapter 91 license in place.

**Commission comments:**

**Mr. Gradwohl** stated Dave Sargent was concerned about winter Flounder.

**Mr. Manuell** stated winter Flounder run from February 1 to June 30. This will be done by November.

**Public comment: None**

**Conditions:**

- **Double wash stone**
- **Boom in place**
- **Flounder dates**

**Motion: To accept the project at 47 River Road, submitted by Douglas Ritchie, to repair or replace an existing seawall in a coastal resource area. (Map 118 lot 4).**

**1st: Ann Jo Jackson**

**2nd: Barry Gradwohl**

**Vote: Approved 5-0**

**C. New – 28-2162 NOI 37 Wingersheek Road** Notice of Intent submitted by Paula Zavrl, to raise dwelling 6' off existing foundation, construct a roof top deck, rebuild a deck and replace one side of dwelling in buffer to coastal resource area (Map 257 lot 249).

**Brian Hollenbeck, 9 Thomas Rd, Methuen Ma- Red Apple Renovation**

Mr. Hollenbeck stated we have refilled under a Notice of Intent. The only change is that we are residing the entire structure.

**Conditions**

- **Snow fence**
- **Weekly monitoring photographs**

- **Dumpster on site and covered**
- **Magnet sweep**

**Public comment: None**

**Motion: To approve the project at 37 Wingaersheek submitted by Paula Zavrl, to raise dwelling 6' off existing foundation, construct a roof top deck, rebuild a deck and replace one side of dwelling in buffer to coastal resource area (Map 257 lot 249).**

**1<sup>st</sup>: Barry Gradwohl**

**2<sup>nd</sup>: Ann Jo Jackson**

**Vote: Approved 5-0**

**D. New- 28-2160 12 Wauketa Road** Notice of Intent submitted by Russell Serbagi Jr, to construct an addition with foundation, erect a 2<sup>nd</sup> story addition, construct a garage, porch roof and reconfigure driveway in the buffer to a coastal resource area. (Map 256 lot 27).

**Presenter: Bill Manuell, Wetlands and Land Management**

**Mr. Manuell** stated the beach is 400 feet away and 40 feet lower.

The site is developed with lawn, house, and a putting green. There is an existing stone driveway. The garage is built with in the stone driveway. The addition part is 10x11, that goes two stories and there is a tiny bump out for an interior stairway. We will rebuild the front entry way for a bigger roof and a bigger stoop. There is a new foundation for the bump out. There is a net decrease 270 square feet of developed area on the site. Some of the stone driveway is coming out. There is stone apron around the house and it is built on the stone apron.

**Mr. Gradwohl** stated that the stone apron is pervious.

**Mr. Gulla** asked why credit was being taken for something that is already pervious.

**Mr. Manuell** stated it was disturbed area and why would he be penalized for putting something on the driveway or gravel area. It is disturbed area that you are concerned with.

**Mr. Gulla** disagreed with Mr. Manuell. We have always gone with the concept that if you are dealing within a buffer, impervious and pervious, things that allow water to flow – good, surfaces that don't allow it – bad. We are not penalizing, but credit is not given for something that is already pervious.

**Mr. Manuell** stated that the present stone driveway will be vegetated. We do show an area we would install whatever engineering suggests to help with the runoff from the garage.

**Mr. Gulla** stated you are adding impervious. You need to mitigate for the additional square footage of impervious. There is going to be a need for some plantings. You need to prove to us what is pervious and impervious.

**Mr. Gradwohl** suggested a site visit.

A site visit will be scheduled for review of the site.

**Public comment: None**

**Motion To continue the project at 12 Wauketa Road Notice of Intent submitted by Russell Serbagi Jr, to construct an addition with foundation, erect a 2nd story**

addition, construct a garage, porch roof and reconfigure driveway in the buffer to a coastal resource area. (Map 256 lot 27) to September 21, 2011.

1st: Ann Jo Jackson

2<sup>nd</sup>: Barry Gradwohl

Vote: Approved 5-0

**VI. PUBLIC HEARINGS approximately 9:15 PM**

**A. New- 81 Dollivers Neck-** Request for Determination submitted by Tim Corrigan, to remove gravel parking area, and to install 745 sf. of pavers and cobblestone in buffer to coastal resource. (map201, lot136)

**Presenter: Tim Corrigan, 16 Curtis Street Gloucester**

**Mr. Corrigan** stated he would like to resurface the area and place paver stones. Adjacent to this will be a cobblestone walking area. It is 80 feet from the tide line. The intent is to create a more stable surface for my clients- taking up gravel that is there now and putting down new gravel and new pavers. There will be 640 square feet for parking. There will be ½ inch gap between stones. The gaps will be filled with granular sand.

**Public comment: None**

**Motion: Negative Determination for the project at 81 Dollivers Neck- submitted by Tim Corrigan, to remove gravel parking area, and to install 745 sf. of pavers and cobblestone in buffer to coastal resource. (map201, lot136)**

1<sup>st</sup>: Ann Jo Jackson

2nd: Barry Gradwohl

Vote: Approved 5-0

**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**

**Applicant requests continuation to September 21, 2011.**

**Motion: To continue the projects at 31 Stanwood Ave 33 Stanwood Ave & 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 September 21, 2011.**

1st: Ann Jo Jackson

2nd: Charles Anderson

Vote: Approved 5-0

**VII. AS TIME PERMITS: COMMISSION BUSINESS**

A. Requests for Letter Permits/Modifications

**VII. AGENT'S REPORT ON VIOLATIONS**

**13 High Rock Terrace**

**Emerico Moschella, 6 Brewster Lane, Gloucester**

**Ms. Press** stated Mr. Moschella cleared brush. There was bamboo and bittersweet. It was getting very high and he didn't know he needed a permit. It is now a mixture of hydro seed and crabgrass. It is stable now. There is no environmental impact.

**Mr. Moschella** stated he was planning on putting a chain-link fence along the edge.

**Ms. Press** stated she will measure where the fence will be.

**Mr. Gulla** stated that any type of planting would be nice for the area.

**63 Atlantic**

**Ms. Press** stated there has been spraying of herbicide along edge of the path and pressure treated pilings were installed in the marsh not according to the approved plan. He also did not have a preconstruction site walk as required.

**Mr. Gulla** asked what the remedy is.

**Ms. Press** stated he needs to replant and the pilings to be taken out.

**Mr. Gulla** stated the violator needs to be here at next meeting.

**Ms. Press** stated the violator has been asked to several times to appear before the commission. He is not cooperating. We have the right to talk to DEP about revoking the order. If someone refuses to work with us, we can revoke the order.

**Mr. Phillips** stated there should be no further continuance and the commission should get council from Suzanne Egan or DEP to make sure we can revoke an order.

**Enforcement order- Violation 4 Pebble Path**

**Motion: Rescind the enforcement order under the condition that a 2-1 mitigation plan is submitted for a total of 104 square feet of mitigation plantings.**

**1<sup>st</sup>: Ann Jo Jackson**

**2<sup>nd</sup>: Barry Gradwohl**

**Vote: Approved 5-0**

**Motion: Adjournment**

**1<sup>st</sup>: Ann Jo Jackson**

**2<sup>nd</sup>: Barry Gradwohl**

**Vote: Approved 5-0**

- B.** Requests for Certificates of Compliance
  - 28-1787 11 Cedar Lane
  - 28-2120 650 Washington St
  - 28-2048 7 Rackliffe St

**Motion: Approval**

**1st Ann Jo Jackson**

**2nd: Steve Phillips**

**Vote: Approved 5-0**

- C.** Requests for Extension Permits

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](mailto: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](http://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**