

**CITY OF GLOUCESTER
CONSERVATION COMMISSION MINUTES
WEDNESDAY September 21, 2011 - 7:00 PM
CITY HALL, KYROUZ AUDITORIUM
ROBERT GULLA, CHAIRMAN**

Members Present:

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

Staff:

Lisa Press, Agent

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.

63 Atlantic Street - Violation

Ms. Press stated we are here to discuss the Enforcement Order that was issued for 63 Atlantic. There are two violations: both spraying of a chemical and pilings placed in the marsh. The original Order of Conditions had posts for a walkway across the marsh; the ones that were in did not match the original Order and believe the ones that were in were pressure treated.

Sam Scola stated the posts were only put in temporarily to keep it stable. After we got it stable we put a small float in and removed the posts.

Ms. Press stated he has an Order that grants him right to create a walkway correctly.

Ms. Jackson clarified that there was nothing in the Order of Conditions that permitted herbicide. Ms. Press confirmed there was not. Ms. Jackson then stated for clarification that Mr. Scola is an easement holder and not a property holder. Mr. Scola confirmed that was correct. Ms. Jackson stated she is looking at some fairly egregious violations from an Order of Conditions that was issued to a non property owner. She stated she was not looking kindly at the violation of the site.

Mr. Scola stated that the Order of Conditions was not his personal Order of Conditions. It was for the whole association. He stated he was the president of the association. There is a group of 15-20 neighbors who are involved.

Mr. Phillips asked if in the Order of Conditions that it was allowed to only spray poison ivy.

Mr. Scola stated that was correct. He gave Ms. Press some information.

Mr. Phillips stated for clarification that the City of Gloucester was the property owner at the time.

Mr. Scola stated they were not the co applicant of the Order of Conditions, but the owner at the time.

Mr. Phillips stated for clarification that the City of Gloucester is no longer the owner

Mr. Scola stated that was correct.

Mr. Phillips asked Ms. Press if the City was shown as the property owner.

Mr. Gradwhol stated that from the letter that Mr. Scola sent: is the area sprayed is same area that another Order of Conditions says the area being filled. He asked if Mr. Scola meant filed.

Mr. Scola stated its to be filled. The Order of Conditions that was issued after the city sold the property states the area is to be filled with solid fill.

Ms. Press stated there is a hole that is to be filled, but from what is seen from the photos, the spraying is going along the walkway. That area is not supposed to be filled.

Mr. Scola stated he did not spray that area. He stated there is a lot of poison ivy and it has gotten worse. What can we do about this problem? He stated the herbicide he bought is totally natural. The idea is eliminate the poison ivy and that is all we wanted to do. It is pretty dangerous.

Mr. Gradwohl asked if he sprayed down where the posts were.

Mr. Scola stated absolutely not.

Ms. Suzanne Egan stated that what may help the commission is that since this is an enforcement hearing, it may be helpful for the hearing process, to provide on the record the notice of the violation and the actions the commission is investigating, provide detail of the investigation, the actions taken and what the violations are. That will give Mr. Scola an opportunity to respond to those items.

Ms. Jackson stated that her understandings of the issues are:-the use of pressure treated wood in the marshes and the use of defoliant spray. Mr. Scola has responded to both of those issues.

Ms. Press stated that the Commission has to determine a remedy. It is unclear to me how the vegetation along the path died at the same time as the spraying of the poison ivy. Are we going to remedy for the vegetation at the beginning of the path or all along the path? Also, we don't want pressure treated pilings in the marsh-something is going to be built to traverse the marsh. There are two plans that Jim Caulkett, Dave Sargent & I worked on to be able to get people to the float and allowed the marsh to grow. The whole goal of this filing is to have the marsh recover. No one has executed either Order of Conditions. One is in court and one hasn't been executed and the marsh is still being damaged.

Ms. Jackson asked where does the commission stand about issuing an Order of Conditions to a non property organization owner.

Ms. Egan stated the city was not a co-applicant, but the city was aware of the application at the time and did not participate in the permitting, but also did not object to the permitting. The city had the knowledge that the easement holders are the property owner of a subdivision. The developer retained the parcel. The city obtained ownership of the property through a tax taking. So the city took any property interest the developer had. It also took all the rights of the easement holders. The conditions for the marsh were there, to my knowledge, prior to the tax taking. So how this evolved and how it came back to Concom was that the prior Agent investigated the area, saw the conditions out there, ordered it to be removed or come in to obtain an Order of Conditions.

Through that process it was City owned land, and the city acknowledged that the City the structure out there, they didn't sign it, but they also didn't object to it. Part of the reason to put the parcel up for sale was because of the easement holders were interested in using that, so the offer was to anybody that was interested in it. It was the understanding that whoever purchased it was purchasing it subject to those rights. The city can only convey as much rights as they have.

Ms. Jackson stated she sees that there are two potentially conflicting Order of Conditions; one by an organization with an interest in the property and one by a property owner. We need to have marsh restoration, at least up by the road. I am not

sure we can prove further down on the walkway was sprayed by Mr. Scola, and with a conflicting Order of Conditions, I would favor that of the property holder. I would vote in favor or revocation of the Order of Conditions for the organization. Ms. Jackson stated she would like to remedy the spraying through some form of mitigation. The pilings of may have been removed and would like to eliminate the possible conflict of the Order s of conditions.

Ms. Press stated because one party has appealed the second Order, there is only one that is viable at the moment until the other is resolved in Superior Court. They are basically the same plan. They are not exactly conflicting, although the parties are conflicting.

Mr. Phillips stated there is some evidence that spraying took place in a larger area. He asked what the evidence was.

Ms. Press stated there is dead vegetation along the road and all along the side. When I was notified about what was going on, I investigated the site within a few days. I had been down to the walkway a few days before this happened; because I had noticed the illegal pilings and went down to photograph it. The vegetation was not dead at that time.

Ms. Press stated it looked like it had been sprayed. You could see brown at the bottom of the phragmites, but the top was still green. Usually things don't die from the bottom .

Mr. Phillips: He asked if there was any other evidence.

Ms. Jackson asked if there was anyone else who wished to speak about the violation.

Richard Foster, Property Owner

Mr. Foster stated he did not give anyone permission to spray herbicide or build anything on the property. He stated he has pictures of defoliation that is not all poison ivy. Mr. Scola, says he only sprayed a certain area, but it must be migrating down, because it is all down the pathway.

The reason I have not moved forward is because I am still working on permits. I have to get Army Corp of Engineers permit, Chapter 91 permit and a permit from the City Council. The two permits from the Army Corp of Engineers have been filed and I am waiting to hear form them. It was my understanding that nothing was to move forward until all the permits were granted and then there was supposed to be a meeting with the Conservation Commission and possibly the State, because I have a Superseding Order from the State. The neighbors want it to be how it used to be, where everyone can have their boats down there, Conversation has said it is a limited area and no boats can be left on the marsh or mud. So the dock area is where the boats can stay. There are 20-30 easements and not everyone can have a boat down there. I have offered several solutions, but none are acceptable. There are floats installed down there now without any permitting. I am trying to do this the legitimate way.

Ms. Jackson asked Ms. Press about the floats that have been installed.

Ms. Press stated she believed that were permitted for Mr. Scola still need a 10A permit and there is process he needs to go through. He may need a lowlands permit also. There is nothing else for us to do. There are other City Boards that need to approve floats. Ms. Press stated she does not require a preconstruction meeting for a float. They have to call me for a gangway and any pilings.

Ms. Press stated that Mr. Foster's may be lower to the marsh, but they are essentially the same. It was worked form the exact same plan. They both can't be built. If we are going to keep one and not the other I will look at it more carefully.

Mr. Foster stated I own the land and my insurance company is going to look at that.

Mr. Phillips asked what the easement allows.

Mr. Foster stated the easement allows going over the marsh with access to the water. It doesn't say anything about floats walkways. This was done back when the land was developed.

Ms. Altenberg, 66 Atlantic Street, Gloucester

Ms. Altenburg stated access to marsh used to be taken care of as a matter of personal interest. We used to use a weed whacker to trim the poison ivy. On July 5, I saw Mr. Scola park his truck and saw him with the spray gun in his hands. I was concerned what was the spray was used for. I saw an indiscriminate spray pattern down from the road into the phragmites. I have high resolution photographs of the botanicals being sprayed solid wet. It was a dry day. The walkway was dry as the photographs show. I have shared these photos with the City Solicitor and with Ms. Press as well. They are all time stamped. In terms of the association, there is a minority in the neighborhood that is not organized. This minority is who seem to be in conflict with Mr. Foster.

24 Brooks Road

Mr. ? stated he wanted to clarify a couple of items. The undergrowth of the phragmites does show on a normal basis that it is brown. As of last weekend, there was so much growth there that I had to snap some weeds because they were hitting my Granddaughter in the face. The other point is the poison ivy is a huge issue. There is this contention about the Order of Conditions. I was here in front of this council and asked if there could be other Order of Conditions and the answer was yes. I believe it was recorded. I believe it was said that there could be up to 10. I am confused as to why the Order of Conditions has been so scrutinized. The posts were put in so we could access to the water. There was a substantial amount of walkway and float removed from that area which of the standing Order of Conditions said that no work could done down there. If that had not happened we never would have done anything down there.

Ms. Jackson stated that to be aware that violations of the Order are grounds for revocation of the Order.

Mr. Foster stated the walkway was removed because it was in dangerous condition and it would be his responsibility if someone got hurt. That is why it was removed.

Ms. Press stated herself, Jim Caulkett, and Dave Sargent was aware of the removal. It was part of the Bill of Sale.

Mr. Phillips I move that the Commission revoke the order of conditions numbered 28-1869 and issued to Samuel Scola and others authorizing work at 63 Atlantic Street with findings that (1) Mr Scola violated the State Wetlands Protection Act and the City Wetlands Ordinance by engaging in extensive unauthorized spraying of herbicide in a wetlands area of that property; (2) that Mr. Scola violated the terms of that order of conditions by undertaking construction in a wetlands area at that property without the pre-construction site visit and approval of the Conservation Agent required thereby; and (3) that the order of conditions issued to Mr. Scola and others authorizes work that is in part different from and inconsistent with work authorized by a subsequent order of conditions issued to the owner of that property.

1st: Steve Phillip

2nd: Charles Anderson

Vote: Approved 4-0-1

II. PUBLIC COMMENT - None

III MINUTES REVIEW-

Commission approved all minutes to date not previously approved.

Vote: Approved 5-0

IV PUBLIC HEARING approximately 7:15 PM

- A. New- 87R Wingersheek Road,** Request for Determination submitted by Steve DeFillippo, to install a gravel utility pad and 3 concrete utility pads in the buffer to a coastal resource area. (map 261, lot 20)

Presenter: Michal Nimon, General Contractor

Mr. Nimon stated would like to move the propane tank and put a gravel generator pad. It is a 4x4 peastone pad and the generator is 2x4. It will need three propane tanks. The concrete pads are two inches. It seems to be the ideal place to put the generator and concrete pads.

Commission Comments:

Ms. Press stated it was a good area to place the pads.

Public Comment: None

Motion: Negative Determination for the project at 87R Wingersheek Road, submitted by Steve DeFillippo, to install a gravel utility pad and 3 concrete utility pads in the buffer to a coastal resource area. (map 261, lot 20)

1st: Steve Phillips

2nd: Barry Grawohl

Vote: Approved 5-0

B. 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).

Presenter: Brian Millici

Mr. Millici stated we were last here in the summer and the commission asked us to provide a planting plan which we have done. Mr. Millici explained the planting plan to the commission. We tried to be sensitive to the neighbors on either side.

Commission Comments:

Ms. Press stated that the Commission prefers to mimic nature and to have less mulch. She suggested that a few more shrubs may be needed.

Mr. Socolow asked if any trees were coming down.

Ms. Press stated she had not counted how many trees are coming down versus how many trees are being planted. We can ask for two to one for trees coming down of a 2 ½ inch caliper.

Public Comment: None

Conditions:

- **Agent to check on saving existing vegetation during demolition**
- **Replace trees over 2 1/2 inch caliper on a 2-1 mitigation ratio**
- **Revised planting plans showing denser shrub planted- Subject to Agents approval. Submitted prior to preconstruction meeting.**

Motion: Approval of the project at 8 Riggs Point Road, submitted by Mary Villare, to demolish and re-build single family dwelling with a deck in riverfront resource area. (Map 112 lot 71).

1st: Steve Phillips

2nd: Charles Anderson

Vote: Approved 5-0

New- 28-2161 21 Wingersheek Road Notice of Intent submitted by Eric Henrikson, to remove a portion of the dwelling, re-construct dwelling with additions, replace decks and construct a garage and other site renovations in a coastal resource area (Map 257 lot 178).

Presenter: Bill Manuell Wetlands and Land Management

Mr. Manuell stated this is for extensive renovations. It will include a small building bump out, evening out roof lines and second floor additions. A new garage will be added as well as various site improvements, including a walkway out to the beach. There is a retaining wall that is failing and would like to replace it. The garage wall will work as a retaining wall and contain the leaching field area. The difference in elevation is about 10 feet, so it is a significant wall. There will be a stairway access to get from the parking area to the house level. The ground floor footprint is elevated for the dune by 3 ½ feet. All the decks will be removed and rebuilt. There is an existing stairway and pathway that will go to the beach. Right now there is a large gap in that area from foot traffic. What we would like to propose is to minimize destruction on the primary dune is to construct an elevated walkway. It will be on posts and constructed of a honeycomb grate that a 40% light transmission through the grate so there will be no shading. The area we want to bring the walkway through has escaped Wisteria vines. It does not have natural dune vegetation. The new garage has been positioned over the existing concrete pad and driveway. Overall there is a reduction of impervious on site. There is extensive plantings and restoration on site.

Commission Comments:

Ms. Jackson stated in the event that you receive an Order of Conditions as you anticipate, what are you doing with the Wisteria

Mr. Manuell stated we would like to eradicate it and replant with native species. It will be a big task.

Mr. Gradwohl suggested a site walk to the commission. Ms. Jackson agreed.

Mr. Socolow: What types of materials are being used for the walkway?

Mr. Manuell stated non toxic material will be used for the decks.

The commission scheduled a site visit for September 23rd at 12:00.

Public Comment: None

Motion: To continue the project at 21 Wingersheek Road Notice of Intent submitted by Eric Henrikson, to remove a portion of the dwelling, re-construct dwelling with additions, replace decks and construct a garage and other site

renovations in a coastal resource area (Map 257 lot 178) to October 5.

1st : Barry Gradwohl

2nd: Steve Phillips

Vote: Approved 5-0

D. New- 28-2163 6 Island Rock Lane Notice of Intent submitted by Ken Revis, to construct an inground pool, patio, and stone retaining wall in the buffer to a coastal bank resource area (Map 133 lot 12).

Presenter: Bill Manuell Wetlands and Land Management

Mr. Manuell stated this project is to construct a guest house and swimming pool. The house portion is outside of the buffer zone. The work in the buffer is the pool, deck, retaining wall, and walkway. We will have to do rock removal. I have requested in the application that we keep the option open for blasting if needed. The work is separated by coastal bank by 65 feet. The retaining wall does bring the grade up. It will help with the rock removal. There have been some minor changes to the plan. It does not affect the commission. There is a new plan I will be submitting to you. There will be an increase in mitigation planting. **Mr. Manuell** explained the changes to the commission. The pool 18x36 and is still contained in the retaining wall. It is slightly larger and that is the reason for the increase in mitigation.

Commission Comments:

Ms. Press stated that regarding the stability of coastal bank, it has been our policy that a blasting expert evaluates the plan and we give an Order of Conditions with his conditions if blasting is to take place.

Mr. Manual suggested that it could be a condition, but does not feel it was appropriate to do at this time.

Ms. Press: The consultant needs to review the project before we issue and Order not as a Condition.

Ms. Jackson asked if the deck around the pool is impervious.

Mr. Manuell stated it will be pervious pavers. It is specified on the plan. Peastone will be between the pavers.

Mr. Manuell stated his client would like to get the pool shell into the ground this season and will withdraw the proposal for blasting.

Ms. Press stated she would like the hearing to be continued to the 7:00 time slot because she is not clear as to how the pool will be done.

Mr. Manuell stated he will submit a revised plan for the commission.

Public Comment:

Roy McCarly

Mr. McCarly stated he had some concerns with the blasting. Previously other owners had to blast for some work. After the blasting was done there was some damage. I would like to have assurances from the engineers how the blasting would affect us.

Ms. Press stated the applicants have withdrawn the blasting request and if they come back for blasting you would be re-notified.

Angelo Zakas, 63 Eastern Point Road

Mr. Zakas stated that some of house are worried about the losing the view. The blasting is also a concern.

Ms. Press stated the house is out of our jurisdiction.

Judy Revis

Ms. Revis stated they were very careful to site the house so it would not block views.

Motion: To continue the project at 6 Island Rock Lane Notice of Intent submitted by Ken Revis, to construct an inground pool, patio, and stone retaining wall in the buffer to a coastal bank resource area (Map 133 lot 12) to October 5 at 9:15.

1st: Steve Phillips

2nd: Barry Gradwohl

Vote: Approved 5-0

V. PUBLIC HEARINGS approximately 8:15 PM

A. New- 61 Woodward Avenue Notice of Intent submitted by Charles Allen, to repair an existing concrete pier in a riverfront resource area. (Map 219 lot 119).

Presenter: Charlie Allen 61 Woodward Ave.

The existing concrete cap is cracked. The Chapter 91 has expired and it has been redone.

Commission Comments:

Ms. Press stated she visited the site with Jim Caulkett, & Dave Sargent and none of us has any issues.

Ms. Jackson what are the precautions being taken so concrete will not be spilled into the water.

Mr. Allen explained how the water would be protected

Public Comment: None

Motion: To approved the project at 61 Woodward Avenue submitted by Charles Allen, to repair an existing concrete pier in a riverfront resource area. (Map 219 lot 119).

1st: Barry Gradwohl

2nd: Charles Anderson

Vote: Approved 5-0

B. New- 49 Woodward Avenue Request for Determination submitted by Annisquam Landcare, for after the fact replacement of a wall in buffer to a riverfront resource area. (map 219, lot 124)

Presenter: Alexander Sands, Annisquam Landcare

Mr. Sands stated we built a retaining wall in two sections. One is 3 ½ feet high by 23 feet long and one section that is 15 feet long with a 3 ½ foot tall set of stairs. Mr. Sands he was not aware of the laws and apologized. He stated as soon as he became aware he did everything he could to be in compliance.

Commission Comments:

Ms. Press stated there is nothing left on the job to do and everything has been cleaned up.

Public Comment: None

Motion: Negative Determination for the project at 49 Woodward submitted by Annisquam Landcare, for after the fact replacement of a wall in buffer to a riverfront resource area. (map 219, lot 124)

1st: ??? couldn't hear

2nd: Barry Gradwohl

Vote: Approved 4-0-1 Steve Phillips abstained

C. New- 2 Fortune Lane, Notice of Intent submitted by Thomas Gillett, to clear invasive vegetation, re-establish pathways, conduct vista pruning and install gravel drainage in the buffer to a coastal bank resource area (Map 141 lot 63).

Applicant requests continuation to October 5, 2011.

Motion: To continue 2 Fortune Lane, Notice of Intent submitted by Thomas Gillett, to clear invasive vegetation, re-establish pathways, conduct vista pruning and install gravel drainage in the buffer to a coastal bank resource area (Map 141 lot 63) to October 5, 2011.

1st: ???

2nd: ???

Vote: 5-0 to continue

****Continuation- 28-2160 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).

Presenter: Bill Manuell Wetlands and Land Management

Mr. Manuell stated that at the site visit it was confirmed the area where the garage is going is impervious and the calculations stand as presented previously.

Commission Comments:

Ms. Press asked for the math again from Mr. Manuell.

Mr. Manuell stated the net reduction is 273 square feet.

Public: None

Motion: To approve the project at 28-2160 12 Wauketa Road 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).

1st: Steve Phillips

2nd: Barry Gradwohl

Vote: Approved 5-0

D. Amend- 15 Horton Street, Ginger Attaya, to amend existing Order of Conditions #28-2153, to change approved addition to a 2 story addition, in a coastal bank resource area. (Map 128 lot 23).

Presenter: Ginger Attaya, 15 Horton Street, Gloucester

Ms. Attaya stated she would like to put a second level on the 12x14 addition which was already approved. Ms. Attaya read a letter from the General contractor which stated; There will not be any changes to the piling configuration. Pilings will be no closer than 3 feet to the coastal bank. Regarding the pruning of the cherry tree on site, her environmental engineer at DeRosa Environmental issued a statement saying in their professional opinion; just pruning the tree will not be helpful in the construction of the pitched roof.

Commission Comments:

Ms. Press her concern is the performance standard for a coastal bank is stability. She made a recommendation that the Commission get a third party review with a structural engineer to see whether the weight behind the pilings on this type of coastal bank can withstand it. The cherry tree is one of the main things holding the coastal bank.

Mr. Phillips questioned whether the abutter who had objected to the project at the previous hearing was present again and intended to speak.

Public Comment:

Ellen Sibley, 17 Rocky Neck Ave

Ms. Sibley stated her home is on pilings and the footprints of the properties are usually small and a second story is often needed for adequate living space. I am support the project.

Ted Williams, 17 Horton Street

Mr. Williams stated he is a direct abutter. I believe the amendments should be rejected outright or postponed until sufficient details are provided and drawing submitted as required by the Wetland Protection Act. A clearer picture is needed to be able to determine the environmental impact will be. They are raising the roof line an additional 10 feet from what was originally proposed. In my opinion, this is another attempt for the applicant to piece mail the project to get what they want. The increased height is important for two reasons: the flat roof was approved to minimize the pruning of the cherry tree, also the central rational to allow digging, filling, building, and possible blasting was mitigation plan presented by DeRosa Environmental Group. You noted that the plantings had to monitor because of the fragility of the site. I believe the change in height will have a negative impact to the coastal bank.

Ms. Press stated to Ms. Attaya that the commission may need a more detailed plan to even get an estimate from the structural engineer.

Cleveland Cook 8 Horton Street

Mr. Cook stated he did not get a notice of this project or the initial project and strongly objects to it. There is no detail of the project and no notice.

Ms. Press tried to find out how the notices were sent. It was determined a notice was sent to him.

Mr. Cook stated he did not receive a notice for either meeting. He asked if there was supposed something more in the Concom file other than just the notice of approval.

Ms. Press did not know why there was not any information in the file.

Ms. Press stated the process is that abutters have to notified, it has to be noticed, a

new Order at the registry of deed. etc. She stated that DEP does not look at the amendments.

Mr. Phillips questioned whether this should be an Amended Notice of Intent.

Ms. Press stated that is it border line amend or new and it will be checked into.

Mr. Gradwohl moved to approve the amendment, and that motion did not receive a second.

Ms. Jackson stated hearing no second to the motion, the motion failed. She asked the commissioners there opinions at this point.

Mr. Gradwohl stated he believes that this is an amendment process. It has not changed the footprint, or the runoff. But the tree and coastal bank are dangerously situated.

Mr. Anderson concurs with Mr. Gradwohl. It would be helpful if there was a plan in plan.

Ms. Jackson concurs with Mr. Gradwohl. The notice issue has to be resolved. If someone was notified properly then it may have to be a NOI.

Mr. Phillips stated that we needed to determine whether proper notice had been given to abutters. If proper notice was not given, the previous hearing would be a nullity and we will need to start over. If there is not a notice problem, the only reason I see to favor a new NOI over an amendment is to make sure DEP is made aware of the proposed work -- given the sensitive coastal bank location. If we can get DEP input on the proposed amendment, it does not seem to me to make a difference whether we proceed on the amendment or require a new NOI.

Motion: To continue the project at 15 Horton Street, Ginger Attaya, to amend existing Order of Conditions #28-2153, to change approved addition to a 2 story addition, in a coastal bank resource area. (Map 128 lot 23) to October 19.

1st: Barry Gradwohl

2nd: ???

Vote: Approved 5-0

VI. PUBLIC HEARINGS approximately 9:15 PM

A. New- 26 Rockwood Lane Joel & Patricia Ray, to re-build dwelling adding a second story, a deck and 2 additions with foundations in the buffer to a BVW and coastal bank resource area (Map 141 lot 63).

Presenter: Bill Manuell Wetlands & Land Management

Mr. Manuell stated there is an existing house that is in the buffer zone to the coastal bank. This will be an extensive renovation to the cottage. It will be 180 square that extend out to an area that is already lawn. There will be 360 square feet of mitigation, no blasting; the deck will have sona tube posts hand dug. Access will come down Rockwood Lane. Erosion control will be in place. It is a tight site.

Commission Comments:

Ms. Press asked for clarification of the math. She stated she is getting 360 for the new work. She also asked how the roof runoff was going to be handled.

Mr. Manuell stated he would submit a plan with additional planting. He stated that a swale will be created for the run off. The concern is that the water not be directed toward the abutters.

Public Comment:

Joan Lane:

She stated she owns the cottage next store and her concern is that the work does not cause runoff into the stream. It is very delicate and a steep embankment.

Conditions:

- **Swale plan to be submitted**
- **Recalculated numbers for mitigation to be submitted with planting plan**

Ms. Press stated the conditions are:

- **Subtle Swale**
- **Concrete washout conditions**
- **No blasting**
- **No Pressure treated wood**
- **Slats of deck to be 3/8" apart**
- **360 square feet of planting**

Mr. Manuell stated that some of the wood has to be pressure treated because of ground contact. Where there is concrete you need pressure treated wood.

Ms. Press asked that the specs for the pressure treated wood be submitted.

Motion: To approved the project at 26 Rockwood Lane Joel & Patricia Ray, to re-build dwelling adding a second story, a deck and 2 additions with foundations in the buffer to a BVW and coastal bank resource area (Map 141 lot 63).

1st: Barry Gradwohl

2nd: Charles Anderson

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

Motion: To continue the project at 28-2101 31 Stanwood Ave, 28-2100 33 Stanwood Ave, & . 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 November 2, 2011.

1st: Arthur Socolow

2nd: Steve Phillips

Vote: Approved 5-0

VII. AS TIME PERMITS: COMMISSION BUSINESS

- A. Requests for Letter Permits/Modifications

