

**CITY OF GLOUCESTER  
CONSERVATION COMMISSION MINUTES  
WEDNESDAY October 5, 2011 7:00 PM  
CITY HALL, KYROUZ AUDITORIUM  
ROBERT GULLA, CHAIRMAN**

**Members Present:**

**Robert Gulla, Chair  
Ann Jo Jackson, Co-Chair  
Steve Phillips  
Arthur Socolow  
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.  
**None**

**II. PUBLIC COMMENT -**

**John Feener, 640 Hale, Street Beverly, MA.**

**Mr. Feener** stated recently there has been some question on my his participation of on the board for one year after and involvement in projects. He stated he spoke with ethics board today and there is are only two times that that rule isn't in effect.

1. If you have worked on a project prior to participating on any board or commission
2. Any matter under jurisdiction during the time that you are on any board, will have to have to wait one year to be able to represent an applicant. The applicant that will be in front of you tonight is new business and was never in front of us when I was on the board. Recusing oneself is not applicable.

**III MINUTES REVIEW- None**

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

- A. New - 6 Green Street** Request for Determination submitted by City of Gloucester, Grants Division, to install underground utility lines in the buffer to an inland resource area. (map 31, lot 19)

**Presenter: Debra Laurie, Community Development Office, Gloucester, MA.**

**Ms. Laurie** stated that Gloucester has received funding for new equipment for the Green Street play ground and one of the wishes of the neighborhood is that it be lighted There is a wetland and it falls within the buffer. The trenching would be on the outer side of pathway. It would be 4 feet deep for conduit to be laid. Ms. Laurie explained the site to the commission.

**Public Comment: None**

**Conditions:**

- **Straw waddle or Back fill the trench the same day**

**Motion: Negative Determination 6 Green Street submitted by City of Gloucester, Grants Division, to install underground utility lines in the buffer to an inland resource area. (map 31, lot 19)**

**1<sup>st</sup>: Arthur Socolow**

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

**Vote: approved 6-0**

**B. New- 28-2169 50 Essex Avenue** Notice of Intent submitted by Methuen Construction for the City of Gloucester DPW, 50 Essex Avenue, to expand the work area and allow a temporary stockpile area in the buffer to a coastal bank resource. (Map 217 lot 26).

**Presenter: Gregg Galberth Methuen Construction 40 Lowell Road, Salem, NH**

**Mr. Galberth** stated this Notice of Intent is for doing upgrade work to the wastewater plant. There is an existing order of conditions that is in place. There are erosion control requirements for along the staging area. Because of the nature of the site and amount of excavation needed we are requesting to expand the area for temporary storage to stockpile material. Mr. Galberth explained the site to the commission

**Commission Comments:**

**Mr. Gulla** stated his concern with the trees. He asked what would be stockpiled and if there was any way to go around the trees

**Mr. Galberth** stated he had talked to Ms. Press to temporarily transplant the trees. Ms. Press said she would like to see new trees planted where the old trees were when the site is restored. The site will end up with more trees. The stockpile will be clean fill. The restoration will be slated for next fall.

**Ms. Press** stated most of the trees are smaller - 6-7 feet in height. They can be transplanted only once and in addition replacing all of them where they were. They should also be planted closer to the buffer. For erosion control a large mulch sock manufactured for large construction sites would be required. The piles will also be tarped.

**Public Comment: None**

**John Feener. 640 Hale Street, Beverly, MA.**

**Mr. Feener** stated with Juniper trees instead of transplanting them you can put cover the roots with 10" of wood chip downs, and then put plywood on top and it would protect the root system.

**Conditions:**

- **Mulch sock**
- **Tarp stockpile**
- **Trees to be transplanted once and new trees planted where original trees were.**
- **Document tree location prior to work commencing**

**Motion: To accept the project at 50 Essex Avenue submitted by Methuen Construction for the City of Gloucester DPW, 50 Essex Avenue, to expand the work area and allow a temporary stockpile area in the buffer to a coastal bank resource. (Map 217 lot 26).**

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

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

**Vote: Approved 6-0**

**C. New- 28-2166 2 Wolf Hill Rd** Notice of Intent submitted by William Friend, Wolf Hill Trust, to construct a dwelling with utilities, landscaping and parking in the buffer to a coastal bank resource area and in a riverfront resource area. (Map 87 lot 3).

**Presenter: John Judd, Gateway Consultants**

**Mr. Judd** stated this is an existing vacant lot of 16,000 square feet. Mr. Judd explained the site to the commission. There will be a new dwelling, driveway, pervious walkway. The proposed footprint is 30x40, with a 280 square foot pervious walkway, 375 square feet of pervious pea-stone driveway. The plan shows the house has been pushed as far away from the resource as possible. There has been a site visit with Ms. Press and there is a limited area for mitigation. We are proposing to do mitigation as a conservation restriction- the trust is willing to give a restriction and it would be 8000 square feet.

**Commission Comments:**

**Ms. Press** suggested a site walk, so the commission can look to see where the conservation restriction would go.

**Mr. Judd** was agreeable to the site walk and stated the site is already staked.

The site walk was scheduled for October 12 at 9:00 am.

**Public Comment: None**

**Motion: The project at 2 Wolf Hill Rd Notice of Intent submitted by William Friend, Wolf Hill Trust, to construct a dwelling with utilities, landscaping and parking in the buffer to a coastal bank resource area and in a riverfront resource area. (Map 87 lot 3) to be continued to October 19, at 9:15**

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

**2<sup>nd</sup>: Arthur Socolow**

**Vote: Approved 6-0**

**D. New -54 Rowley Shore Rd,** Notice of Intent submitted by Frank Previte, to demolish existing and construct a studio building with septic and utilities in the buffer to an inland and a coastal bank resource. (Map 141 lot 41).

**Presenter: Mary Rimmer, Rimmer Environmental Consulting**

**Ms. Rimmer** stated that this is a revision of a studio .It will be in a new location and closer to Rowley Shore road. She explained the site to the commission.

The runoff now dumps into the brook, will install a catch basin to capture this runoff. There will be 650 square feet of mitigation.

**Andrew McCowan 39 Dodge St. Beverly, MA.**

**Mr. McCowan** explained the blasting procedure if it is determined it is necessary. He stated it would be a phased approach. The rock would be removed in small sections. Each hole drilled would be checked for water flow. If water is detected the hole would be grouted to stop the water. The exaction will be 6 feet below ground service.

**John Judd, Gateway Consultants,**

**Mr. Judd** stated that this plan has gone through a revision. The setbacks to the wetland

are the same as before. The structure has been moved back. The foundation will be down to preserve the view for neighbors, but there is rock crop. That is why we may need to do controlled blasting. There were sona tubes proposed, but in speaking with architect we will pour concrete around the ledge. It is not a full foundation. The intent is to bring the foundation down for benefit of the neighbors.

**Commission Comments:**

**Mr. Gulla** stated his concern that blasting could drain the wetland. He asked who would be responsible if the wetland drains. He asked Mr. McCowan that if holes are grouted, is there was still a possibility of blasting.

**Mr. McCowan** stated yes and it has been done before. It is line drill technology. He stated he would be responsible for the outcome of any blasting.

**Ms. Press** stated that Gloucester does not have the ability or to set up an escrow account for the commission.

**Ms. Rimmer** stated that the area is a surface fed wetland.

**Public Comment:**

**Bill Wells, 58 Rowley Shore Dr., Gloucester, MA.**

**Mr. Wells** stated that the stream comes from our property. The last couple of years, it has been flooding into my yard. My concern is that this may make it worse and make my property a lake. I assume there is a culvert, but over the last couple of years it has gotten worse.

A site visit is scheduled for 10:00 am October 12.

**Motion: To continue the project at 54 Rowley Shore Rd, Notice of Intent submitted by Frank Previte, to demolish existing and construct a studio building with septic and utilities in the buffer to an inland and a coastal bank resource. (Map 141 lot 41) to November 2**

**1<sup>st</sup>: Arthur Socolow**

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

**Vote: Approved 6-0**

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

**A. Continuation- 28-2165 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).

**Presenter: Thomas Gillett**

**Mr. Gillett** stated that all of 2 Fortune Lane is in the 200 foot buffer. There are large growths of invasives. He explained the site to the commission.

**John Feener, Barlett Tree, 640 Hale St, Beverly, MA.**

**Mr. Feener** stated that there is a lot of erosion near the road, Raspberry and Black Locust are behind it. Black Locust will take over natives.

There is an area closer to the water that is starting to re-forest. The goal is to imitate that area and give the other areas an opportunity to match it. We would like to remove the invasives and fix the problem.

**Ms. Press** stated that Black Locust is listed as a Massachusetts invasive species. She stated she did not want this to become a treeless site and would like to have some plan

of how the high canopy will be restored and for the cutting. Also, the ground cover is to stay on the paths.

**Mr. Feener** stated all the trees and vegetation are woody vegetation. There are other oak trees that are coming down. The area is missing midstory trees.

**Mr. Gulla** asked if the site is going to get high story canopy back.

**Mr. Feener** stated an annual maintenance program will be instituted.

**Commission Comments:**

**Ms. Press** stated that she would draft conditions and would like to see this continued until the next meeting and put in the 7:05 time frame.

**Mr. Gulla** stated he would like to see a plan that includes some high story trees or information on how they would come back.

**Public Comment: None**

**Motion: To continue the project at 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 19 at 7:05 .**

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

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

**Vote: Approved 6-0**

**B. New- 28-2168 35 Rockholm Road** Notice of Intent submitted by Margaret Siber, to replace boulders on rip rap embankment in a coastal bank resource area (Map 159 lot 5).

**Presenter: Alexander Sands, 13 Bulk Head Road,**

**Mr. Sands** stated this project needs to replace riprap that is supporting the seawall..

The seawall holds up the lawn area. A pickup truck would be backed up and dump the contents over the edge.

**Commission Comments:**

**Ms. Press** stated that CZM or DEP has taken all the information and are reviewing it; however they weren't able to have it done for this meeting. She stated, it is a little like filling a resource area and I am not sure if it needs to be done and that is why I am getting their opinion. It may be considered armoring of a coastal bank.

**Mr. Sands** stated his client's concern is that the winter is coming and they want to be able to get the work done. We are replacing material that was already there.

**Ms. Press** stated you are actually putting material on top of the material that has fallen down.

**Public Comment: None**

**Motion: To continue the project at 2168 35 Rockholm Road Notice of Intent submitted by Margaret Siber, to replace boulders on rip rap embankment in a coastal bank resource area (Map 159 lot 5) to October 19 at 7:05.**

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

**2<sup>nd</sup>: Arthur Socolow**

**Vote: Approved 6-0**

C. **New -70 Holly Street** Request for Determination submitted by Mace & Marianne Wenniger, to install a shed in a coastal resource area. (map 123, lot 70)

**Presenter: Marianne & Mace Wenniger 70 Holly Street**

**Ms. Wenniger** stated they would like to install a one story high, 6x10 shed to store garden tools. It will be built on cinder blocks and is a prefab.

**Commission Comments:**

**Mr. Gulla** asked how the structure would be put in place.

**Ms. Wenniger** stated they come and put it together on site.

**Mr. Gulla** stated his concern that this is an RDA instead of an NOI. The RDA limits the conditions of the work to be done.

**Ms. Press** stated that there is no vegetation where the shed will be placed. The area is already disturbed.

**Mr. Phillips** stated that it doesn't seem the work will impact the area and unless I hear other wise, I will accept a negative determination.

**Public Comment: None**

**Conditions:**

- On concrete blocks
- No trees removed
- 2-1 mitigation

**Motion: Negative Determination for the project at 70 Holly Street submitted by Mace & Marianne Wenniger, to install a shed in a coastal resource area. (map 123, lot 70)**

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

**2<sup>nd</sup>: Steve Phillips**

**Vote: Approved 6-0**

C. **New- 28-2170 17 River Road** Notice of Intent submitted by Annisquam Yacht Club, to replace the roof, dormer walls, windows and siding, enclose a porch, construct a roof deck and replace the tennis court fencing and remove a tree in a riverfront resource area. (Map 118 lot 16).

**Steve Phillips recused himself**

**Presenter: John Judd, Gateway Consultants**

**Mr. Judd** stated that this is a building improvements project. The entire structure is being re-sided. The impacts to the resource area are minor. There is one tree to be removed and 2-1 mitigation will be provided.

**Commission Comments:**

**Ms. Press** stated there is nowhere else for trees to be planted.

**Mr. Gulla** asked how the marsh is going to be protected from the siding work.

**Mr. Judd** stated that temporary supports will be built to walk across, and there will be a tarp underneath to catch debris.

**Mr. Gulla** requested a diagram of the tarp and walkway. He stated concern that debris will fall or blow into the water. .

**Mr. Judd** stated he would provide more narrative and diagrams to show how the work is to be done

**Public Comment: None**

**Conditions:**

- **Tree to remain**
- **Boom required**
- **Magnetic sweeps**
- **Scaffolding tarp detail**
- **Detail to be submitted on how the debris will be caught while the work is done.**

**Motion: To approve 17 River Road submitted by Annisquam Yacht Club, to replace the roof, dormer walls, windows and siding, enclose a porch, construct a roof deck and replace the tennis court fencing and remove a tree in a in a riverfront resource area. (Map 118 lot 16)**

**1<sup>st</sup>: Arthur Socolow**

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

**Vote: Approved 6-05-0**

**E. Continuation -28-2167 26 Rockwood Lane, Notice of Intent submitted by 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). Applicant requests continuation to October 19, 2011.**

**Motion: To continue the project at 26 Rockwood Lane, Notice of Intent submitted by 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) to October 19, 2011.**

**1<sup>st</sup>: Arthur Socolow**

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

**Vote: Approved 5-0**

**Steve Phillips rejoined the commission.**

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

**A. New-28-2172 23 Harbor Loop Notice of Intent submitted by Gloucester Maritime Heritage Center, to remove and replace a timber pier and 60 pilings a coastal resource. (Map 9 lot 17).**

**Presenter: David Smith, Vine Associates, Newburyport, MA.**

**Mr. Smith** stated this is the phase three portion of the project. It has been progressing as the funding has been available. Additional funds have been acquired to finish the 96 long by 26-46 feet wide pier. The construction is similar to the pier head. It will be pressure treated wood and the work will be performed from a barge. A silt boom will be applied and a spill kit will be added to the equipment to the barge.

**Commission Comments:**

**Ms. Press** presented the Division of Marine Fisheries comments. Comment #4 stated there may be a time of year restriction.

**Mr. Smith** stated he was not sure of the time frame for the construction.

He stated his concern about the time of year restriction. There were no time restrictions on the prior two filings. This funding may be time sensitive. He also stated that Dave Sargent and Jim Caulket are in favor of the project.

**Ms. Press** stated that Dave also leaves it to up Division of Marine Fisheries

**Mr. Smith** stated CCA treated timber for the pilings will be used.

**Ms. Press** stated the number 1 condition mentions the use of CCA treated wood.

**Mr. Smith** spoke of an analysis of a comparative analysis that had to be filed regarding the use of different materials. I had provided the commission the comparative analysis and basically it said the best bang for the buck is pressure treated timber, and it is still allowed to be used

**Mr. Gulla** asked if in the previous pier filings CCA was used.

**Mr. Smith** stated yes.

**Mr. Phillips** stated that designated port area limits our authority to regulate in certain ways

**Ms. Press** stated it is in limited projects that there is discretion for certain leeway's that otherwise wouldn't be allowed because it is in an industrial area.

**Public Comment: None**

**Conditions:**

- **Comply with Division of Marine Fisheries conditions**
- **Siltation boom**
- **Spill kit**

**Motion: To accept the project at 23 Harbor Loop Notice of Intent submitted by Gloucester Maritime Heritage Center, to remove and replace a timber pier and 60 pilings a coastal resource. (Map 9 lot 17).**

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

**2<sup>nd</sup>: Charles Anderson**

**Vote: Approved 6-0**

**D. New- 28-2171 Greasy Pole pier** Notice of Intent submitted by John LaVie, St Peter's Committee, 21 Main Street, to remove and replace a timber pier (Greasy Pole ) and 10 pilings in a coastal resource. (Map 1 lot 1).

**Presenter: John Lavie, 49 Parker St,**

**Mr. Lavie** stated the engineering plans have been signed off. The structure will have fiberglass pilings with no contaminants to the water. Mr. Lavie explained the construction of the pole to the commission. The size of deck is 6x10, pressure treated wood. All work will be done from a barge. The pole itself will be removable as well as the ladders. There are 10 pilings.

**Commission Comments:**

**Mr. Gulla** asked what was going to be done with the existing pilings.

**Mr. Lavie stated** the structure would be moved over one foot and the original pilings will remain.

**Ms. Press** stated that Dave Sargent had comments, as well as, the Division of Marine Fisheries. The Division of Marine fisheries had concerns. We must find out if the city has finished the mitigation of the eel grass.

**Mr. Gulla** stated if there is no eel grass there then there is no problem, if there is eel grass, then we have to address the conditions.

**Public Comment: None**

**Conditions:**

- **Barge to not bottom out**

**Motion: To conditionally approve the project Greasy Pole pier submitted by John LaVie, St Peter's Committee, 21 Main Street, to remove and replace a timber pier (Greasy Pole ) and 10 pilings in a coastal resource. (Map 1 lot 1) upon a negative finding of eel grass.**

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

**2<sup>nd</sup>: Arthur Socolow**

**Vote: Approved 6-0**

- E. **New- 28-2173 6 Lawrence Mountain Road** Notice of Intent submitted by Ray Hamilton, , to construct a 2<sup>nd</sup> story addition to a dwelling construct a stone wall, repair a stone wall, and for after the fact drainage work in buffer to inland resource areas (Map 228 lots 4,5).

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

**Mr. Manuel** stated there has been a problem with surface drainage and it is damaging his foundation, created a mold problem. The underside of the roof has to be stripped off Foundation drains will be installed along the perimeter of the foundation. A fiberglass tank will be installed, with a pump, and the drains will go into that. There is a retaining wall that will level out the two grades. It will be repaved and directed to the existing crushed stone pad. The house roof has to come off and a second floor will be added for storage. It will have even roof lines. There is no expansion of footprint or increase of impervious. The area is stabilized with mulch chips. There is siltation fence installed. There is silt that made it way to the intermittent stream and we would like it to shoveled out. The foundation plantings will be replanted.

**Public Comment: None**

**Conditions:**

- a. **Deadline for planting is Fall 2012**

**Motion: To accept the project at 6 Lawrence Mountain Road submitted by Ray Hamilton, , to construct a 2<sup>nd</sup> story addition to a dwelling construct a stone wall, repair a stone wall, and for after the fact drainage work in buffer to inland resource areas (Map 228 lots 4,5).**

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

**2<sup>nd</sup>: Arthur Socolow**

**Vote: Approved 6-0**

**D. Continuation- 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 Manuel, Wetlands and Land Management**

**Mr. Manuel** stated that there had been a site visit and the biggest issue was the elevated walkway. Research was done on the existing Wisteria and is it native. There is Wisteria, but it does not occur this far north. The species on site is Chinese wisteria. It is prevalent where the walkway will go and we would like to eradicate it because it is very aggressive.

**Commission Comments:**

**Ms. Press** stated that DEP had no comments. They have documents and that area is not barrier beach and had no issue with the concrete block.

**Mr. Gradwohl** stated the creosote poles should be removed.

**Mr. Gulla** stated this Wisteria is an alien plant, but do not eradicate anything that is stabilizing dune, until it is checked into.

**Ms. Press** stated this requires a lot of conditions for all the work that has to be done and should be continued to the November meeting.

**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 November 2**

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

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

**Vote: Approved 6-0**

**E. Continuation- 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).

**Applicant requests continuation to October 19, 2011.**

**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 19, 2011.**

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

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

**Vote: Approved 6-0**

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

**A. Requests for Letter Permits/Modifications**

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

**B. Requests for Certificates of Compliance**

28-245 and 28-261 201 Hesperus Ave

**Ms. Press** stated this started out with a denial from the commission, then got a Superseding Order from DEP. At that time we didn't have a local ordinance. Ten years later we issued an Amended Order under the same number. We are looking at the deck addition today. There are no issues with the deck. Regarding the second COC, it was recorded as a denial, and there is no appropriate box to release a denial. This has been corrected so we can release this.

**Attorney Russ Brown, 900 Cummings Center, Beverly**

**Attorney Brown** stated this property was originally was developed by Judith Suddith and has gone through many permutations. 28-261 was taken care of with a superseding order and 28-245 was for the COC for the deck. Because there was a denial, and before we can move forward, we have to clear the title.

**Motion: To approve COC's for 28-245 and 28-261 201 Hesperus Ave.**

**1<sup>st</sup>: Steve Phillips**

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

**Vote: Approved 6-0**

**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**