

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

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

Members Present:

**Robert Gulla, Chair
Charles Anderson
Barry Gradwohl
Steve Phillips
John Montoni
Hugh Prichard
Ann Jo Jackson- [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.

28-2181 79 Eastern Point Blvd - conditions

Ms. Press stated she sent the conditions out for review by the commission. The applicant had no issues with the conditions.

Motion: Approval of 28-2181 79 Eastern Point Blvd - conditions

1st: Barry Gradwohl

2nd: John Montoni

Vote: Approved 5-0 Steve Phillips abstained

II. PUBLIC COMMENT - None

III MINUTES REVIEW

Motion: Approval of the November 16, 2011 minutes.

1st: Barry Gradwohl

2nd: John Montoni

Vote: Approved 6-0

IV PUBLIC HEARING approximately 7:15 PM

A. New- 32, 34, 36 Nashua Ave Request for Determination submitted by Kenneth, Robert & Carol Cox, to accept the as built construction of the dwellings and site work.(map 187, lots 1A, 1B, 1C)

Commission Comments:

Ms. Press stated that there were three houses under one order about 10 years ago. All three houses are built. There are small discrepancies. There is no overriding impact. There were two conditions on the order. One was that the driveways be crowned and the second was that the roof runoffs go to cisterns or drywells, but each house is surrounded by a gravel trench. It was not done as ordered.

There was an issue that at one point the order expired and work on house 3 was not done yet. As a punishment, Con Com made them file a planting plan under a separate

RFD. The planting plan is not done. It is not referenced in this order. It was a weird situation. It is not referenced in this order and it is not a condition referenced in this order.

Mr. Gulla asked why was it brought before us as a RFD.

Ms. Press stated because in the past we have done that with COC's that didn't match. The commission had them plant under the RDA and a COC was issued.

Mr. Gulla asked what the commission is voting on.

Ms. Press stated whether the differences made any impact on the resource area. An RDA should not be enforcement.

Mr. Gulla asked if the applicant has any intention to finish.

Carol Cox, 34 Nashua Ave

Ms. Cox stated when it was my sister-in laws time to build, they jumped through hoops to get it done. There is a blocked culvert, and now the area is a swamp.

Ms. Press stated that she and **Jay Jarosz** visited the culvert to see what could be done. There is a two fold plan. They will go down stream and take rocks out of the culvert then more invasive work may have to be done.

Mr. Gulla stated we should deal with the remaining RDA. I do not see any issues.

Public Comment: None

Motion: Negative Determination for 32, 34, 36 Nashua Ave submitted by Kenneth, Robert & Carol Cox, to accept the as built construction of the dwellings and site work.(map 187, lots 1A, 1B, 1C)

1st: Steve Phillips

2nd: Barry Gradwohl

Vote: Approved 6-0

B .New- 31 Shore Road, Request for Determination submitted by Barry Claycomb & Helene Dionne, (map 167, lot 30) requests the Conservation Commission to determine the applicability of the Wetlands Protection Act and the local Wetlands Ordinance, to replace septic system and associated landscaping

Presenter: Dan Ottenheimer, Mill River Consulting

Mr. Ottenheimer stated the current septic is not up to standards and need to be replaced. There is an existing stone wall across the street and then there is the ocean. The leeching field will be in the far corner lot. He explained the lot to the commission. There will be 1 week of construction and the work has been approved by the Board of Health.

Ms. Press stated that the project is straight forward. They might have to cut into the existing hedge a bit, but that is all.

Commission Comments:

Ms. Press stated that the project is straight forward. They might have to cut into the existing hedge a bit, but that is all.

Public Comment: None

Motion: Negative determination for 31 Shore Road, submitted by Barry Claycomb

& Helene Dionne, (map 167, lot 30) to determine the applicability of the Wetlands Protection Act and the local Wetlands Ordinance, to replace septic system and associated landscaping

1st: Steve Phillips

2nd: Barry Gradwohl

Vote: Approved 6-0

C. 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).

Applicant requests continuation to February 1, 2012.

Motion: To continue 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 February 1, 2012.

1st: Charles Anderson

2nd: Steve Phillips

Vote: Approved 6-0

D. New- 30 Laurel Street, Request for Determination submitted by Janet & Ronald Kimmence, to install a replacement septic system. (map 213, lot 1)

Presenter: John Judd, Gateway Consultants

Mr. Judd reviewed the site with the commission. He stated it has been approved by the Board of Health. There will be erosion control in place on the top of the slope. The closest point to resource is 70 feet.

Commission Comments:

Mr. Gradwohl asked if a tree would be removed.

Mr. Judd stated the fruit tree will be dug up and replanted.

Ms. Press stated for the record that the Commission is not approving the wetland line.

Public Comment: None

Conditions:

- Replant existing fruit tree
- Wetland flagging not verified

Motion: Negative determination for 30 Laurel Street, submitted by Janet & Ronald Kimmence, to install a replacement septic system. (map 213, lot 1

1st: Barry Gradwohl

2nd: Steve Phillips

Vote: Approved 6-0

V. PUBLIC HEARINGS approximately 8:15 PM

A. New-355 Concord Street, Notice of Intent submitted by Salvatore Marques, to remove and replace septic system, paved drive and wall in the buffer to an inland resource area. (Map 239 lot 1).

Presenter: John Judd, Gateway Consultants

Mr. Judd stated this is a septic system replacement in a buffer zone. He reviewed the site with the commission. They are replacing the leeching facility in same location and the plan is approved by the Board of Health.

Commission Comments: None

Public Comment: None

Motion: Approval for 355 Concord Street, submitted by Salvatore Marques, to remove and replace septic system, paved drive and wall in the buffer to an inland resource area. (Map 239 lot 1).

1st: Steve Phillips

2nd: John Montoni

Vote: Approved 6-0

New- 20 Brace Cove Road Notice of Intent submitted by Robert Koslowsky, to rebuild an existing swimming pool and to construct an addition in buffer to inland and coastal resource areas. (Map 134 lot 32).

Presenter: Bill Manuel, Wetlands and Land Management

Mr. Manuel stated there are wetlands around the entire property and explained the site to the commission. The intent is to make the existing structure into a two story building. There is no increase to impervious. The pool is deteriorated and will be rebuilt. The pool size will be reduced. We will form up a new shell within the existing pool and a chain link fence will surround the pool. The new pool shed is 12x 18 shed built on sona tubes and is five feet from the resource. There will be a pervious walkway and a large amount of landscaping will be done on the site. With the reduction of the pool size and walkway, there is 856 square foot reduction of impervious. The property has been neglected and the owners want to improve it.

Commission Comments:

Ms. Press arranged a site walk for Wed December 14th.

Public Comment: None

Motion: To continue the project at 20 Brace Cove Road submitted by Robert Koslowsky, to rebuild an existing swimming pool and to construct an addition in buffer to inland and coastal resource areas. (Map 134 lot 32) to December 21, 2011 at 7:15.

1st: Steve Phillips

2nd: Barry Gradwohl

Vote: Approved 6-0

New- 66 Thurston Point Road Notice of Intent submitted by Philip Harvey, to construct a garage on a foundation in the buffer to a riverfront resource area. (Map 98 lots 45, 46, and 47).

Presenter: Gerry McDonald, Engineer

Mr. McDonald reviewed the site with the commission.

There is an existing driveway that will be taken up and relocated. The lower driveway area will be gravel. The gravel will help keep the runoff away from the house. Some of the area will be paved. The garage will be dug into the hill. There will be roof drains that will be caught by a drywell. And will also propose a perimeter drain. A silt soc will be installed for erosion control.

Commission Comments:

Ms. Press stated she would like city engineering approval.

Mr. McDonald stated that there has been correspondence with Paul Keene and it may be a possibility for the discharge to go to city drainage. However, this has not been confirmed at this time.

Mr. Phillips asked Mr. McDonald when the lot was recorded for property. It makes a difference for the square footage that is permitted. The date you are looking for is before October 6, 1997. Please provide the documentation to prove the date.

Mr. Gradwohl asked for the net result in impervious.

Mr. McDonald stated there is a slight increase in paving. It is 18 square feet.

Mr. Gulla wanted to confirm with the commission that everyone was in agreement that the alternative analysis is complete. He stated the commission in the past, has pushed projects further into setback and then the applicant has to go back to zoning to get further relief. I don't believe it is needed here.

Ms. Press stated that it seems like a lot of driveway. She asked for the total square footage.

Mr. McDonald stated that the total of impervious 3100 square feet. The driveway is 950 square feet.

Ms. Press stated the applicant is way above 10%. They are maxing out the lot in one shot. They may not need so much driveway.

Mr. Gulla asked if the applicant be willing to remove the lower part of the pavement.

Mr. McDonald stated they would be amenable to that.

Public Comment:

Attorney Mike Faherty stated he was speaking on behalf of the owner of lots 98-51 & 98-50. They are speaking toward the project. He asked for the height of the garage.

Mr. McDonald stated according to the builder it will meet zoning requirements.

Mr. Faherty stated that removing this pavement will be an improvement. If the perimeter drain is where it is proposed we ask that the discharge be angled away from lots 98-51 & 98-50.

Ms. Press asked what the subsurface of the gravel driveway was.

Mr. McDonald stated it was 12" inches of gravel.

Mr. Gulla stated that a perimeter drain may not be needed.

Mr. McDonald stated it was more of a precaution

Mr. Gulla recommended installing weep holes so then there wouldn't be a point of discharge. Please amend the plan to show the removal of the asphalt on lower driveway and a detail to get away from the point discharge. Another option is to do a secondary drywell.

Motion: To continue the project at 66 Thurston Point Road submitted by Philip Harvey, to construct a garage on a foundation in the buffer to a riverfront

resource area. (Map 98 lots 45, 46, and 47) to December 21, 2011 at 7:05.

1st: Barry Gradwohl

2nd: Charles Anderson

Vote: Approved 6-0

D. Continuation- 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 we have had site visits and reviewed the project with the commission. We have pushed as far away from resource as zoning would permit.

Commission Comments:

Mr. Gulla clarified that the lot was in existence prior to August 7, 1996.

Mr. Judd stated it was.

Attorney Faherty stated that a letter was submitted to the board. Under the Riverfront Protection Act there are two things to address. When it talks about alternatives, there are provisions for the 5000 square feet or 10% portion of the lot that's within the protected area. This construction has been designed to meet those criteria.

There is a separate section in the regulations that says "not with standing the allowance for 5000 feet or the 10% the commission shall authorized the construction of a single family house on a lot that was recorded prior to October 6, 1997". This lot qualifies for that.

Mr. Gulla read the provision that applied to the project to the public

Public Comment: None

Motion: Approval 2 Wolf Hill Rd 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)with the order of conditions to follow.

1st: Charles Anderson

2nd: Steve Phillips

Vote: Approved 4-0 John Montoni & Hugh Prichard abstained.

VI. PUBLIC HEARINGS approximately 9:15 PM

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 December 21, 2011.

Motion: To continue the projects at 28-2101-31 Stanwood Ave, 28-2100 33 Stanwood Ave, 28-2099 35 Stanwood Ave submitted by Gary Litchfield, Litchfield Company, to construct 3 duplex dwellings, driveways, utilities, grading and landscaping in a riverfront resource area. (Map 230 lot

1st: Barry Gradwohl
2nd: Hugh Prichard
Vote: Approved 6-0

The commission briefly discussed a Pilings Policy.

Mr. Phillips stated he has a procedural comment that applies to the mitigation policy as well. In the ordinance there is a provision that says the Conservation Commission may enact procedural rules and regulations after public hearing held on notice. Even if this is substantive, we need to have notice and a public hearing. I don't have any problems with the pilings policy.

Mr. Gradwohl stated in areas of active shellfish, that the products that have restricted compounds be prohibited.

Ms. Press stated Dave Sargent that it generally isn't prohibited and he doesn't have an issue when it is decking. In general, people have a problem of a decks life span if it is not pressure treated.

Mr. Gulla stated we are talking about piers and pilings and we take it project by project. The boards are treated whether they are soaking in a resource or it just rains on them—it has the same affect. The pier and piling policy is very good.

Mr. Phillips stated another good reason to have a public hearing is to get input from engineers like Bill Manuel, John Judd and others. We should provide people the opportunity to give us their views and to be able the make an informed decision.

Ms. Press & Mr. Gulla agreed.

The Commission briefly discussed the Mitigation policy:

Mr. Phillips stated neither the wetlands protection act which is the applicable state law nor the Gloucester ordinance provides any jurisdiction to this commission to regulate conduct in the buffer zone, unless buffer zone activity is going to result in the alteration of a resource area. There is no basis involved state or local to preclude alteration of buffer. We are not the police of the buffer zones; we are supposed to protect the resource areas against adverse alteration. In an absence of finding that activity in a buffer is going to affect a resource area, we have no authority to regulate anything in the buffer zone.

Mr. Gulla stated we will put this out to the public

VII. AS TIME PERMITS: COMMISSION BUSINESS

A. Requests for Letter Permits/Modifications

VII. AGENT'S REPORT ON VIOLATIONS

B. Requests for Certificates of Compliance
28-1974 84 Woodward Ave
28-2078 54 Atlantic St

Motion: To Approve 28-1974 84 Woodward Ave and 28-2078 54 Atlantic St

1st: Steve Phillips

2nd: Barry Gradwohl

Vote: Approved 6-0

22 Nashua Ave

Ms. Press stated there are two lots. One was done under an RDA and one was done under an order. When the order was issued it was done on the wrong map and lot on the plan and no one checked it. The order got recorded on the wrong property. They want to release it and the next store neighbor wants no part of it. I called Pam Merrill at DEP for advice and she said we should issue a new front page of the order with the corrected version, and then I should write a letter stating that it was the corrected version, and have it certified at the clerk's office and then see if it can get released.

John Judd stated that this was done several years ago and at the time the lot was subdivided and that parcel was designated as one map and parcel. Then another parcel was added. It was done after the order was issued.

Mr. Phillips asked if the person is aware that there are these order of condition are on the property.

Ms. Press stated yes and they want it released so they can sell

Mr. Phillips stated we do not need the other person's permission to clean this up.

C. Requests for Extension Permits
28-1848 282 Magnolia Ave

Ms. Press stated it expires in two weeks. All they have to do is bring in sod and seed the back yard.

Motion: Approval of 28-1848 282 Magnolia Ave extension.

1st: Barry Gradwohl

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