

**CITY OF GLOUCESTER
CONSERVATION COMMISSION Minutes
WEDNESDAY December 21, 2011 - 7:00 PM**

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

Members Present:
Robert Gulla, Chair
Ann Jo Jackson, Co Chair
Hugh Prichard
Barry Gradwohl
Charles Anderson
Steve Phillips
John Montoni

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.

28-2166- 2 Wolf Hill Rd

Ms. Press stated she sent out the information and is still waiting for comments. It was also sent to engineering for review.

Motion: Approval for 28-2166- 2 Wolf Hill Rd

1st:Barry Gradwohl

2nd: Charles Anderson

Vote: Approved 6-0 Ann Jo Jackson abstained.

28-2186 -66 Thurston Point Road

Ms. Press stated there is only one condition because the driveway was changed significantly.

Gerry McDonald, 14 John Street, Reading MA.

Mr. McDonald stated he is representing the applicants. He stated there were a few abutters that were concerned about drainage and the garage. We have revised the site plan to address those concerns. He reviewed the revised site plan with the Commission. He stated the section of pavement in question has been removed and will now be gravel, documentation has been submitted showing the lot was in existence since 1947 and the drain will now be routed into the city drain and then into the Annisquam River. The drain is in process of being reviewed with City Engineering.

Ms. Press stated concern with the drain running into the city drain and into the Annisquam River. I don't like the idea of it going into the river. I would rather the water filter through swales before going into the Annisquam.

Mr. McDonald stated he was still waiting for a response from Engineering.

Mr. Gulla stated that it will be subject to Engineering approval. The next option would be is to install a drywell. Whatever engineering approves has to go back to Ms. Press for approval.

Conditions:

- No sub-base of linpack
- City engineering approval with Ms. Press being notified.

Motion: Approval for 28-2186 -66 Thurston Point Road

1st: Barry Gradwohl

2nd: Charles Anderson

Vote: Approved 6-0 Ann Jo Jackson abstained

II. PUBLIC COMMENT - None

III MINUTES REVIEW

Motion: Approval of the December 7, 2011 minutes

1st: Steve Phillips

2nd Barry Gradwohl

Vote: Approved 6-0 Ann Jo Jackson abstained

IV PUBLIC HEARING approximately 7:15 PM

- A. New- 28-2185- 20R Bungalow Road - Notice of Intent submitted by Robert Daly, to re-stabilize dune with sand and plantings in a coastal resource area. (Map 257 lot 74).**

Presenter: John Dick, Hancock Associates, Danvers, MA.

Mr. Dick stated this is part of a small subdivision. There are 4 lots and in between is a right of way. This dune has come and gone a number of times because of many storms. There is a timber retaining wall there and it is still solid. We are proposing to fill in the top of the wall and taper it off to zero at their property. Today that lot and the back of the Daley lot is above mean high water. We are nourishing the area.

Mr. Dick reviewed the site with the Commission. There are large boulders already in place and they will remain. We will backfill sand in between them. The Daley's would like to restore the dune as best they can. Mr. Dick also pointed out a transit pipe that was uncovered. He stated it was not the Daley's and is not on their property but in the right of way. He had no knowledge of where it originates. He asked the commission for a site visit because of the delicate nature of the site.

Commission Comments:

Mr. Montoni asked if the walkway filled in with water during a storm. Someone in the audience answered yes.

Ms. Press stated a site visit is needed. Both DEP and the City want the pipe removed.

Mr. Gulla stated that having vertical walls and ocean front causes a lot of scouring. He asked in the long run how will this work.

Mr. Dick stated there is no practical way to keep the sand from washing away there if a storm. We can stabilize with vegetation but it will erode over time. It is the only option available. They would like to keep the retaining wall that has been there since 1995. Armoring a dune with vegetation is the only option.

Ms. Press asked if the right of way will be blocked by filling it.

Mr. Dick stated if it is filled then a walkway will have to be built.

Mr. Gulla stated that maybe a middle of the road approach could be taken without

getting to the point of creating a bridge system.

Ms. Press stated that she would like to CZM to come and advise the commission. A site visit was set for December 31 at 9:30.

Public Comment:

Marcia Sasson 18 Rear Bungalow Road

Ms. Sasson stated she would like to be involved with the site visit but couldn't be there for the 31st. Over the last year we have lost the most dune. Because there is an opening the ocean comes in and charges up and takes out more dune. The pipe has never been seen until this last year and I have owned the property since 1979. The dune in front of my house is caving in and getting closer to my house.

Mr. Gulla stated they will have to move forward with the site visit for the 31st.

Ms. Press stated she would let Ms. Sasson know when she meets with CZM on site.

Chris McCarthy, 17 Sleepy Hollow Rd.

Mr. McCarthy stated he remembered the site from the early 70's and the water used to go up to the houses before the timber wall was built. His guess on the pipe was that it was installed a long time ago when the area became more for year round living and that it may originate up near Hawks Bungalow. It could have been installed because there are springs that bubble up and it was a way to route the water away from the homes.

Motion: To continue the project at 28-2185- 20R Bungalow Road submitted by Robert Daly, to re-stabilize dune with sand and plantings in a coastal resource area, (Map 257 lot 74) to January 18, 2012.

1st: Barry Gradwohl

2nd: Ann Jo Jackson

Vote: Approved 7-0

B. New- 127 Rogers Street -Request for Determination submitted by Gorton's Inc, to add a pre-fabricated steel building over an existing structure. (Map 11, lot 6)

**Presenter: Carlos Pena, 87 Canutry Way, Marshfield MA. CLE Engineering
15 Creep Road, Marion Ma.**

Mr. Pena stated they are adding a 100x 96 foot area on the third floor. It is located 104 feet from the corner of the dock. The building of the work will be performed from the interior. All work will be contained in the building. Primary access will be from Rogers Street. There will be no contact to the resource area.

Public Comment: None

Motion: Negative determination was found for the project at 127 Rogers Street - submitted by Gorton's Inc, to add a pre-fabricated steel building over an existing structure. (Map 11, lot 6)

1st: Ann Jo Jackson

2nd: Steve Phillips

Vote: Approved 7-0

C. New- 152 Concord Street Request for Determination submitted by Michael

Carrigan, Carrigan Enterprises, (map 242, lot 41) requests the Conservation Commission to determine the applicability of the Wetlands Protection Act and the local Wetlands Ordinance, to determine a stream classified as perennial in USGS, is intermittent.

Presenter: Mike Carrigan, 77 Norwood Heights

Mr. Carrigan explained the site for the commission. About a year ago we came in to determine the upper part of the stream to be intermittent. We were turned down locally and DEP overturned the decision stating that we followed the proper process. In this application we followed the same procedure for the lower part of the stream. There is a long history of the stream that comes out to Marshalls farm stand which the city themselves have permitted a project which represents the stream as intermittent and there is a current DEP order of conditions on that itself. There has been multiple RDA's NOI's saying it is an intermittent stream.

Mike Seekamp, Seekamp Environmental Consulting

Mr. Seekamp stated to overcome the presumption that a stream is perennial, is to show that it is dry during a non drought year. We have included photographs of the site with the request for determination. We did this in July and not long after we did this, it started to rain like crazy and the stream started to run again. There was no drought this summer. This stream dries up frequently.

Commission Comments:

Mr. Phillips stated that last year when this was presented to us, the Agent made it clear she should be involved in any observations for a basis for determination. My question is why you didn't include her as requested.

Mr. Seekamp stated we knew we had to do this anyway in the event that the Commission took the position that we couldn't use an RDA for determining this. It was more convenient to handle it the way we did.

Mr. Phillips stated the agent made it clear a year ago that it was her view and the Commission's view that in making the observations to find competent evidence that the Agent should be involved. Mr. Phillip also asked Mr. Seekamp if affidavits had been signed under the penalties of perjury attesting to the observation.

Mr. Seekamp stated he filed the Request for Determination attesting that I took the photographs.

Mr. Phillips asked if he read the requirements of CMR. Mr. Phillips read the requirements from CMR to the public. He asked Mr. Seekamp again if he had followed the requirements. He stated it is what is required and is not optional.

Mr. Seekamp stated he'd attest to the Commission now and will be happy to submit that to you.

Mr. Phillips stated it is clear they have not provided competent evidence.

Mike Carrigan stated we are fine with filing the affidavits and coming back before the Commission.

Mr. Seekamp stated they would like to request a continuance.

Ms. Press stated she would like a site walk. It is odd that you are filing now when these observations were made in July.

Mr. Seekamp stated that we just have to show that it was dry for four days.

Mr. Gulla stated that what we all feel that this has been adding up to some sort of colored approach to somehow get this through. We asked for a simple request that you

call the Agent when you were going to do these observations. It is irritating. We also realize facts are facts and documentation is documentation and to avoid this whole problem we asked that you call the agent. I also would like a site visit. I'm shocked you proceeded this way.

Mr. Phillips stated even if you came in with signed statement that there is a very real possibility that some members of the Commission will think it is not competent evidence

Mr. Phillips requested clarification from Mr. Seekamp and Ms. Press. He stated he doesn't understand what the commission does with the following information. He read from the commission manual The 2003 DEP showing that a stream bed is dry in one area does not establish intermittency. He stated that it seems to suggest that just taking measurements in one location doesn't necessarily answer the question

Mr. Seekamp stated that if you take that position we have taken other photos in three other locations taken on four different occasions.

Mr. Gulla stated to have all the photographs for the files.

Ms. Press scheduled the site visit at 10:15 on Dec. 31.

Public Comment: None

Motion: To continue the project 152 Concord Street Request for Determination submitted by Michael Carrigan, Carrigan Enterprises, (map 242, lot 41) requests the Conservation Commission to determine the applicability of the Wetlands Protection Act and the local Wetlands Ordinance, to determine a stream classified as perennial in USGS, is intermittent to January 4, 2012.

1st: Barry Gradwohl

2nd: Steve Phillips

Vote: Approved 7-0

D. Continuation- 28-2183- 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 Manuell, Wetlands and Land Management

Mr. Manuell stated that a site walk was held and the largest concern was the location of the shed and what was in the shed. There is now a revised plan showing the relocation of the shed. It has been moved 15 feet away from the wetlands. We have extended the pool apron up to the shed. We have net increase of 460 of impervious because of the slight increase of the pool apron.

Commission Comments:

Ms. Press stated was concerned about the fence and would like it pulled toward the pool.

Mr. Manuell stated it is not a barrier to wildlife.

Mr. Gulla stated concern about the pavers. He asked when a paver becomes a pervious or impervious surface. We don't know how big they will be.

Mr. Manuell stated that bluestone come in random sizes. One of the largest is 18x 24. On the detail we specify the spacing on the bluestone.

Mr. Gulla stated that 576 square inches is the maximum square footage for the bluestone.

Public Comment: None

Conditions:

- **Max square coverage is 576 for the bluestone**

Motion: To approve 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)

1st: Charles Anderson

2nd: Barry Gradwohl

Vote: Approved 6-0 Ann Jo Jackson abstained

V. PUBLIC HEARINGS approximately 8:15 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 January 18, 2012.

Mr. Manuell stated the owner of the property is in financial distress. An auction was supposed to occur and we don't know why it didn't. We appreciate your patience.

Ms. Press stated that she has told the public that it has to be re-notified and abutters have to be notified.

Mr. Manuell stated there is no need to re-advertise once it has been done.

Motion: To continue the projects at 31 Stanwood Ave, 33 Stanwood Ave, 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 51) to January 18, 2012.

1st: Ann Jo Jackson

2nd: Barry Gradwohl

Vote: Approved 7-0

VII. AS TIME PERMITS: COMMISSION BUSINESS

A. Requests for Letter Permits/Modifications

VII. AGENT'S REPORT ON VIOLATIONS

B. Requests for Certificates of Compliance

28-1991 91 Eastern Pt Blvd

28-1347 374 Concord St

Motion: To approve 91 Eastern Pt Blvd and 374 Concord St

1st: Barry Gradwohl

2nd: Steve Phillips

Vote: Approved 7-0

28-1024 10 Witham St

Ms. Press stated that the storage facility that was built in 1998 is looking for a COC now. It has been reviewed by Paul Keane. The only thing there is a small increase in the parking area.

Motion: Approval of 10 Witham St

1st: Ann Jo Jackson

2nd: Barry Gradwohl

Vote: Approved 7-0

187-191 Essex Ave

Ms. Press stated that Mr. McCarthy is looking for a COC and was supposed to mark the no disturbed zone it was done today.

Mr. Gulla stated he would like to see a permanent plaque opposed to the stick on letters.

Conditions:

- No Disturb zone restriction to appear on subsequent deeds.

Motion: Approval for a COC for 187-191 Essex Ave

1st: Ann Jo Jackson

2nd: Barry Gradwohl

Vote: Approved 7-0

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