

**CITY OF GLOUCESTER  
CONSERVATION COMMISSION MINUTES  
WEDNESDAY JANUARY 18, 2012 - 7:00 PM**

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

**Members Present:**

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

II.

Language for 152 Concord Street- Language and Findings

**Mr. Phillips** stated that findings are to be voted on at the time of the decision. I proposed a finding in my motion and it was voted. It was the only thing we found.

**Ms. Press** stated my argument is that Mr. Gulla made a statement referencing competent source that needed to be caveated with "shouldn't be paid by the applicant."

**Mr. Phillips** stated he personally agreed with you Ms. Press and if somebody wanted to make a finding in the motion I would have voted for it. However, nobody did and nobody voted for it. It is not a finding.

**Mr. Gulla** stated that assuming this tries to get superseded, when the time comes we can state our points with DEP so they understand what the commission was doing. We will ask for site visit.

**Mr. Phillips** stated to keep in mind that DEP does this De Novo which is the Latin term for "all over again". They will start from scratch.

**Mr. Gulla** stated he will send a letter from the commission to DEP addressing the key points of the hearing and stating the concern about the process.

II. **PUBLIC COMMENT** - None

III **MINUTES REVIEW**

The minutes will be reviewed at the February 1<sup>st</sup> meeting.

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

A. **Continuation- 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).

**Motion: To continue the project at 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) to February 1, 2012**

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

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

**Vote: Approved 6-0**

**B. Continuation- 28-2188 120R Wheeler Street** Notice of Intent submitted by Joan & Greg Lepore, to demolish and reconstruct portion of dwelling, install gravel parking area, repair deck, pier, seasonal ramp and float in riverfront resource area (Map 99 lot 39).

**Applicant requests continuation to February 1, 2012.**

**Motion: To continue the project at 120R Wheeler Street, Notice of Intent submitted by Joan & Greg Lepore, to demolish and reconstruct portion of dwelling, install gravel parking area, repair deck, pier, seasonal ramp and float in riverfront resource area (Map 99 lot 39) to February 1, 2012.**

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

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

**Vote: Approved 6-0**

**C. Continuation- New-28-2187 40 Vine Street** Notice of Intent submitted by Deborah Nowell, to demolish and rebuild a deck, and conduct repairs to a shed, a pier gangway and seasonal float in riverfront resource area. (Map 112 lot 23, 24).

**Applicant requests continuation to February 1, 2012.**

**Motion: To continue the project at 40 Vine Street, Notice of Intent submitted by Deborah Nowell, to demolish and rebuild a deck, and conduct repairs to a shed, a pier gangway and seasonal float in riverfront resource area. (Map 112 lot 23, 24) to February 1, 2012.**

**1<sup>st</sup>: Hugh Prichard**

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

**Vote: Approved 6-0**

**D. Continuation- New- 28-2189 55 Riverview Road** Notice of Intent submitted by Paul Douglas, to construct a 2<sup>nd</sup> story addition, construct a one story addition, replace and expand a deck over water, construct a detached garage, expand gravel parking area, expand a float and build a walkway in riverfront resource area. (Map 94 lot 70).

**Presenter: Bill Manuell, Wetlands and Land Management, Danvers MA.**

**Mr. Manuell** stated that since the last meeting there has been a low tide site walk. Mr. Douglas has changed the location of the garage to alleviate any concerns with his neighbors. The Harbormaster was concerned with the narrow water way at low tide and he required that we flip the dock perpendicular and parallel to the shore. There is also a restriction for the width of the hull of Mr. Douglas's boat. The Harbormaster and Shellfish Warden have both submitted their comments. The bump out has been enlarged to 6x 16 and we have increased the mitigation for it. We have suggested to add 12 more shrubs once invasives have been cleaned out. We have 4x the amount needed.

**Commission Comments:**

**Mr. Gulla** asked when are there enough changes in a project that it needs to be filed with DEP? This is not for this project, but just in general.

**Ms. Press** stated there is no specific trigger. It is a subjective call.

**Mr. Gulla** stated there has to be a way to protect everyone's interests, so projects don't change without doing an amendment. If it is not documented properly it is not approved. The commission will do a more rigorous question and answer process moving forward..

**Mr. Phillips** stated he is developing a real concern over these boiler plate conditions. He stated he would like to review the language prior to voting

**Public Comment: None**

**Motion: To approve the project at 55 Riverview Road submitted by Paul Douglas, to construct a 2<sup>nd</sup> story addition, construct a one story addition, replace and expand a deck over water, construct a detached garage, expand gravel parking area, expand a float and build a walkway in riverfront resource area. (Map 94 lot 70).**

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

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

**Vote: Approved 5-0 with Steve Phillips abstaining.**

**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 March 7, 2012.**

**Motion: To continue the project at 31 Stanwood Ave, 33 Stanwood Ave, & 35 Stanwood Ave, Notices of Intent submitted by Gary Litchfield, Litchfield Company, to construct 3 duplex dwellings, driveways, utilities, grading and landscaping in a riverfront resource area (Map 230 lot 51) to March 7, 2012.**

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

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

**Vote: Approved 6-0**

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

A. Discussion of re-wording perpetual condition on COC form.

**Peter Hayden 91 Eastern Point Blvd**

**Mr. Hayden** stated his concern regarding his Certificate of Compliance he received after the completion of his project. He stated that when his project was on going he understood the need for the conditions. He assumed when the project was completed the conditions would be lifted. They were not lifted and are still on his COC. He stated that he doesn't feel it is appropriate and becomes a deed restriction on his property. I cannot mow my lawn or paint my house. It prohibits herbicides, pesticides etc. They are actually allowed according to City Ordinance.

**Ms. Press** stated that most commissions have a no pesticide rule in a buffer zone. However, it is hard for me to monitor and for me to enforce that.

**Mr. Phillips** stated that he agreed with Mr. Hayden and we stop putting boilerplate conditions on COC's. Some conditions might not be appropriate. There should be no boiler plate conditions unless there is demonstrable need for them to be in place. Others who have been subject to them should be informed.

**Mr. Hayden** stated that he supports what the Commission does, but suggests to tighten control of certain project a revision of the city ordinance may be the next step.

### **Millings Discussion**

**Mr. Gulla** stated that the DPW repaved Lincoln Road and dumped millings along the shoulders adjacent to Walker Creek. They dumped on the side adjacent to the wetland. The director said they were not told to do it; the crew just went ahead and did what they normally do. When the millings are rolled they do not migrate, however, when it is rolled it widens the road and now there is more impervious to a wetland area. He stated we have an order of conditions in place with the DPW so they can work without coming to us for everything. We may want to set better parameters on what needs to be presented to us and what does not.

**Ms. Press** stated that any work that needs to be done near a wetland is supposed to be shown to me first and that wasn't done here.

**Mr. Phillips** stated that the commission is authorized by city ordinance and by the state. In order to regulate conduct in a buffer zone we have to find that the activity is going to alter a resource area and that there is going to be significant negative impacts. I would not approve an activity in a buffer zone without findings that its actually causing significant negative adverse impacts to a resource. If someone wants to propose a guideline that said anytime the DPW wants to use this product they would have to come before us and show that it's not going to have a negative impact to the resource. I would support such a guideline. If you're going to vote to ban activity in a buffer zone without showing any requirement that it is going to affect a resource area, I will vote against it because it is not authorized by law.

**Ms. Press** stated they have a road maintenance Order, which we can amend and change.

**Mr. Prichard** suggested that an alternate material to be used when it is near a wetland.

**Mr. Gulla** requested that Ms. Press review and rewrite the guidelines, they will be reviewed by the Commission and then presented to DPW.

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

### **B. Requests for Certificates of Compliance 28-2000 1 Orchard Rd**

#### **Motion: Approval of the Certificate of Compliance for 1 Orchard Road**

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

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

**Vote: Approved 6-0**

#### **Councilman Paul McGeary, 21 Eastern Ave, Gloucester**

**Councilman McGeary** stated that there is an opportunity for the City to acquire a parcel of land near Good Harbor Beach- Briar Neck Crossing. He explained the site to the

Commission. The group involved in this initiative is the Friends of Good Harbor. They approached the owner of the property Steve Goodman, and he stated he would sell the property for \$850,000. It has been appraised at \$720,000. It is just less than six acres. Friends of Good Harbor would like to help acquire this property and then turn it over to the city to maintain. One group they will be contacting is the Preservation Committee for funding. They have found out that grants are available to the Conservation Commission only and that is why I am here this evening. They would like to partner with the Commission and help them in any way they can. The deadline for the application is February 1. If the city were to acquire it, marsh and dune restoration could be done to preserve the area.

**Mr. Gulla** stated that the commission is not able to maintain or manage the land. There are no resources to do so.

**Councilman Geary** stated that it would be turned over to the City.

**Mr. Phillips** suggested that they contact Essex Greenbelt also.

**Mr. Gulla** stated the Commission is all for this and would be happy to sign the documents for the grant.

#### **New CPA appointment**

**Mr. Gulla** stated that a representative from this Commission is needed to be on the board for the CPA. Mr. Phillips appointment is up mid February.

**Motion: Mr. Phillips moved that the conservation commission designate Robert Gulla as it representative for the CPA . A second was made by Barry Gradwohl.**

**Vote: Approved 5-0. Robert Gulla abstained.**

#### **Motion: Meeting adjourned**

**1<sup>st</sup>: Charles Anderson**

**2<sup>nd</sup>: 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](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**