

**CITY OF GLOUCESTER
CONSERVATION COMMISSION MINUTES
WEDNESDAY March 21, 2012 - 7:00 PM
CITY HALL, KYROUZ AUDITORIUM
ROBERT GULLA, CHAIRMAN**

Members Present:

**Robert Gulla, Chair
Barry Gradwohl
Charles Anderson
Steve Philliips
Hugh Prichard
Ann Jo Jackson- 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.
 - II. 28-2000 1 Orchard dup COC
 - III. Waterways Board float discussion
- Ms. Press** stated Jim Caulkett was not sure if he was able to come to this meeting or the April 5 meeting. It will be a discussion about float size.

II. PUBLIC COMMENT - None

III MINUTES REVIEW- Tabled until the April 4, 2012 meeting.

IV PUBLIC HEARING approximately 7:15 PM

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

Commission Comments:

Mr. Gulla stated at the site visit we determined that after the Cherry tree was pruned, there was still a substantial amount of vegetation on that side of the site.

Ms. Press stated there have been two new submissions. One is from DeRosa Environmental regarding the tree, the second from the engineer regarding the means and methods. Andy McGowan stated in his comments on the Means & Methods to just make sure the work is done by hand. They are allowed to use power tools, but not heavy equipment.

Public Comment:

Ginger Attaya, 15 Horton Street

Ms. Attaya stated that in a report from DeRosa Environmental it states that the loss of the branch or the entire tree will not adversely affect the structural integrity of the coastal bank. The proposed restoration plan will substantially improve the function and value of the habitat associated with the coastal bank in its buffer zone. MG Hall Contractors submitted a letter stating that excavation will be done by hand. There will be minimal disturbance of the coastal bank. Ms. Attaya read the report to the Commission.

Ms. Attaya stated she is concerned about maintaining the integrity of the coastal bank and Rocky Neck's character and asked the Commission to make a decision this

evening.

Mr. ??? stated he offers support of the project. He stated he understands why the commission has asked for the information it has and hopes that it is to the commission satisfaction. He also presented a letter from Ken Bishop of 11 Horton Street. Mr. Bishop is also in favor of the project.

Ms. ?? 23 Wonson Street

Ms. ?? stated she offers her support of the project. She knows that Ms. Attaya has done thorough research in order to preserve the coastal bank.

Ellen Sibley, 17 Rocky Neck Avenue

Ms. Sibley stated that Ms. Attaya has completed all the items as requested of the board. It is in keeping with the character of the neighborhood.

In Opposition:

Ted Williams, 17 Horton Street

Mr. Williams stated this project is ill advised and ill conceived. My objections are concrete objections and are supported by the Gloucester Wetlands Act. He stated he has reviewed both submissions that were submitted today. In the DeRosa submission; they have still not answered the question about the impact of the second story on the buffer zone- the shade, the wind flow, the drainage affect. I am a direct abutter and have had a project on my property recently. At that time I was informed that I could not shade several bushes that were on my property and it was an invasive species called Virginia Creeper. I had to revise my project. Secondly, in the methods and means report it does not mention how the work that will be done on the buffer zone. Where will the sewer line be located? How will it be serviced? It should known where the pipes are going to go. One of the objections is one of your own. It is the Gloucester Wetlands Act. Section 12-11 Statement of Jurisdiction. Mr. Williams read from the section. Your discretionary powers are not that broad to nullify what is clearly in the Act. You cannot build in a buffer zone. Why are you allowing this project to go ahead? I am looking for the rules to be applied to everyone equally.

Mr. Gulla stated there are multiple coastal bank projects that go on all the time. Yours was approved. Your shadowing had to do with the fact that you had a very low dock and gangway that could cause shadowing and kill marsh grasses. As you get higher up, shadowing is less because sunlight can come in from all directions. Mr. Gulla stated he would like a bit more feedback on the grinder pump.

Mr. Williams asked when he will know where the grinder pump will be.

Ms. Attaya stated the grinder pump has been mover over to the left so there is plenty of room on the right.

Mr. Gulla stated the grinder pump must stay within the gravel area.

Paul Bergman, Engineer

Mr. Bergman stated the grinder pump has to be relocated. If the Commission approves the project with a stipulation that the new location vegetation will not be removed.

Mr. Gulla stated that if it is approved, there would be a stipulation that no vegetation be removed and a filter sock across the top of coastal bank. He stated that this project has gone through a rigorous review and has been vetted well.

Mr. Phillips stated that he persuaded that the amendment to the previously approved project has no significant impact to resource area.

Conditions:

- All work to be done by hand
- If the use of pneumatic hammers is needed, the compressor is to stay on the drive

Motion: To approve the amendment to the previously approved order of conditions at 15 Horton Street, to change approved addition to a 2 story addition, in a coastal bank resource area. (Map 128 lot 23).

1st: Steve Phillips

2nd: Barry Gradwohl

Vote: Approved 5-0

Ms. Press asked the commission if they would want monitoring by Andy McKown. The commission did not feel the need for monitoring.

B. New- 4 Beachcroft Rd Notice of Intent submitted by William & Susan Watkins, to construct a detached garage on a frost wall foundation in the buffer to a coastal resource area. (Map 175 lot 3).

Presenter: William Watkins, 4 Beachcroft Road

Mr. Watkins stated he would like to build a detached garage 24 x13. He explained the site to the commission.

Applicant later requested the garage size be increased to 24x14 to accommodate a truck.

Public Comment: None

Motion: To approve the project at 4 Beachcroft Rd submitted by William & Susan Watkins, to construct a detached garage on a frost wall foundation in the buffer to a coastal resource area. (Map 175 lot 3).

1st: Charles Anderson

2nd: Steve Phillips

Vote: Approved 5-0

Motion: Minor modification to 4 Beachcroft Road , Detached garage to be 24' long x 13' wide.

1st: Steve Phillip

2nd: Barry Gradwohl

Vote: Approved 5-0

C. Continuation- New- 31 Rocky Neck Avenue Notice of Intent submitted by Michael Faherty, 2531 RNA Realty Trust, to construct a wall, repair a wall, construct a ramp, install a boat washing station and pave the lot in a coastal bank resource area. (Map 130 lots 5, 6, 7, 8). **Applicant requests continuation to April 4, 2012.**

Motion: To continue the project at 31 Rocky Neck Avenue Notice of Intent submitted by Michael Faherty, 2531 RNA Realty Trust, to construct a wall, repair a wall, construct a ramp, install a boat washing station and pave the lot in a coastal bank resource area. (Map 130 lot 5,6,7,8) to April 4, 2012.

1st: Steve Phillips
2nd: Hugh Prichard
Vote: Approved 5-0

D. Amend 28-2019 - 57 Folly Point Rd Frederick Taylor, to amend existing order of conditions, to reduce size of dwelling and change location of dwelling moving a portion into a coastal bank resource area. (Map 147 lot 10).

Presenter: Jeff Klug, Architect

Mr. Klug stated the pool will be finished by June. Project is under way.

Mr. Taylor purchased a land near the site and the purchase allowed the relocation of the house. He explained the site to the commission.

Inaudible..

Commission Comments:

Mr. Gulla asked about mitigation.

Mr. Klug reviewed the planting plan with the commission. All the planting going into the buffer is a worthy species to be there.

Ms. Press stated she would like to walk the site to see what is there.

A site visit was schedule for Thursday March 29, at 9:30.

Public Comment:

Neil Glickstein, 23 Folly Point Road

Mr. Glickstein stated since this project has started the bottom of the water has changed a lot. There are species that are no longer there. It is clear that the sediment is holding dissolved material. The buffer zone is really important here. I strongly suggest from a Shellfish perspective that it is a natural area. There are no more sea stars or sea anemones. This land has been stripped of the Sumac that was holding down the regular soils. The bottom has changed. I have been diving for 20 years and am trained as a Marine Biologist. I don't know whether it's this project or not but changes have occurred. The buffers are put there for a reason, which is contradictory to what you said to an earlier person speaking. There are no natural filters now.

Mr. Gulla asked Mr. Glickstein to hypothesize as to what is occurring there? What is moving down?

Mr. Glickstein stated its hard to know what has dissolved and if there is erosion going on. Natural areas do change on their own, but it is clear that the cove is changing. There are no sea stars, anemones, or mussels. I am concerned about the area and it is more fragile that it seems.

Motion: To continue the project at 57 Folly Point Rd Frederick Taylor, to amend existing order of conditions, to reduce size of dwelling and change location of dwelling moving a portion into a coastal bank resource area. (Map 147 lot 10) to April 4, 2012.

1st: Charles Anderson

2nd: Steve Phillips

Vote: Approved 5-0

V. PUBLIC HEARINGS approximately 8:15 PM

A. Amend- 137 Wingersheek Rd 28-2148 William Thibeault, requests to amend

Order #28-2148, to reduce size of and change location of the pool and patio and to construct a pool cabana in buffer to a coastal resource area. (Map 260 lot 09).

Presenter: Mary Rimmer, Rimmer Environmental

Ms. Rimmer stated the cabana will be on sona tubes. It is 352 square feet. The pool is now 988 square feet and the patio has been extended a little. It is bluestone and all pavers. There is a reduction of impervious area of 620 square feet. The mitigation area is the same.

Commission Comments:

Mr. Gulla asked if the violation has been dealt with yet.

Ms. Press stated not yet. She asked Ms. Rimmer who was doing the dune restoration.

Ms. Rimmer did not know.

Mr. Gulla stated he may suggest continuing this to the next meeting to have time determine the numbers of increase or decreased of impervious. It is not clear.

Public Comment: None

Motion: To continue the project at 137 Wingersheek Rd 28-2148, William Thibeault, requests to amend order #28-2148, to reduce size of and change location of the pool and patio and to construct a pool cabana in buffer to a coastal resource area. (Map 260 lot 09).

1st: Hugh Prichard

2nd: Charles Anderson

Vote: Approved 5-0

New - 127 Rogers St Notice of Intent submitted by Gorton's Inc., to repair an existing bulkhead/seawall and replace the concrete deck and pilings in a coastal resource area. (Map 11 lot 6).

Presenter: Carlos Pena, CLE Engineering 15 Creek Road Marion, MA

Mr. Pena stated they will install four posts to the building to tie the four stories together. He stated they would remove the existing concrete slab and then restore the seawall.

Inaudible.

Commission Comments:

Ms. Press stated her concern about moving and removing pipes that carry ammonia.

Mr. Pena stated they would be shut off so there wouldn't be any leakage.

Mr. Gulla asked about protection underneath.

Ms. Press stated DMF advised to work at low tide and use a boom instead of a silt curtain

Public Comment: None

Motion: To approve the project at 127 Rogers St submitted by Gorton's Inc., to repair an existing bulkhead/seawall and replace the concrete deck and pilings in a coastal resource area. (Map 11 lot 6).

1st: Steve Phillips

2nd: Barry Gradwohl

Vote: Approved 5-0

Continuation- 1 Wingersheek Road, Notice of Intent submitted by Bill Tracia, to construct a dwelling on piles with a utility foundation, and a driveway with associated grading and utilities in a coastal dune resource area. (Map 142 lot 38)

Presenter: Bill Manuell, Wetlands and Land Management

Mr. Manuell stated that at the site visit it seemed no one had issue with the house site itself. Mr. Manuell displayed an overlay of the old project versus the new project for the Commission to get a sense of the changes. He explained the changes to the Commission. The old silt fence line superimposed on the new plan isn't significantly different. The driveway is longer and there will be more disturbances. This design is better and the approach to the house site is better. It allows a level parking area and turnaround, where the other didn't.

The building site has bugs and blight. We are utilizing the selected site because there is a section of trees that are severely affected. All along the proposed driveway we saw that trees were dead from this infestation. At the site visit there was concern about the footprint of the house. We will sharpen our pencil and get the footprint of the house closer to what was approved before.

John Feener, 45 B Warner Street Certified Arborist

Mr. Feener stated he had soil samples with the insect that is infecting the trees on the site. There are three types of pines on this property. They have fungi and their success for the future is minimal especially with the secondary insect present. Any healthy trees on site are being infected by the insects. Natural predators will not be able to feed enough to stop the insects to migrate to the healthy trees. My recommendation is to sanitize the area, where removal of the host trees to try to protect the healthy trees that you want to preserve.

Commission Comments:

Mr. Gulla stated he agreed with is that there is something decimating the trees and shrubs. My concern is the talk about what should stay and what should go. There is one section that is healthy and the house is projecting into this area. I am concerned about the size of the project, building into sections that are healthy and in general the discussion of a lot of things being removed and not a lot of discussion of what will be put back. As bad as the shrubs/trees are, they are still stabilizing the dune.

Mr. Manuell stated that all of the trees will succumb to the bugs and blight. It is our intention to diversify the landscape. We will select species that will not be affected by the insects and we will have succession growth.

Ms. Press stated the plan has not been sent to CZM yet.

Mr. Phillips stated he will be interested to see how the plan will be refined.

Mr. Manuell stated he was not referring to the house proposal but to the overall site itself.

Ms. Press stated there are two resource areas involved; dune or wetland. The previous agent moved to impact the lower 200 square feet of on the edge of an isolated wetland that can be replicated.

Mr. Manuell stated that her primary focus was not so much the wetland but just the numbers. With respect to the wetland, it does have catch basin outlet that goes down to the beach. It is not an isolated wetland.

Mr. Gulla stated he has concern over the size of the structure, the planting and the edge of the project. It looks like it was designed to fit the size without having concern

about the impacts surrounding area.

Public Comment: None

Motion: To continue the project at 1 Wingersheek Road, Notice of Intent submitted by Bill Tracia, to construct a dwelling on piles with a utility foundation, and a driveway with associated grading and utilities in a coastal dune resource area. (Map 142 lot 38) to April 4, 2012.

1st: Hugh Prichard

2nd: Barry Gradwohl

Vote: Approved 5-0

D. New 31 Salt Island Rd- Notice of Intent submitted by Douglas Fifield, to demo and rebuild dwelling, construct 3 additions and a detached garage in the buffer to a coastal bank resource area. (Map 177 lot 1).

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

Mr. Manuell explained the site and demolition plan to the commission. The roof and secondary walls will be taken down to the floor deck; a new section of foundation will be installed. There may be minimal excavation for the new foundation. The garage will be the last item constructed. There will be constructed terraces that will receive roof water runoff. Drilling and grouting will not have any affect of the stability of the coastal bank.

Commission Comments:

Ms. Press asked about the patio.

Mr. Manuell stated the owner decided to change the flagstone patio and a revised plan will be submitted to you before an order of conditions is written. There is an apple tree that will be removed.

Mr. Gulla asked about the planting plan versus the impervious.

Mr. Maneull stated it is 1-1 mitigation.

Public Comment:

Mark Adrian Farmer 21 Salt Island Road

Mr. Farmer stated he lives directly across the road. Mr. Farmer stated he was in support of the application.

Motion: To approve the project at 31 Salt Island Rd- submitted by Douglas Fifield, to demo and rebuild dwelling, construct 3 additions and a detached garage in the buffer to a coastal bank resource area. (Map 177 lot 1).

1st: Steve Phillips

2nd: Charles Anderson

Vote: Approved 5-0

Robert Gulla recused himself.

E. - Continuation- - 28-2190 66 Woodward Avenue Notice of Intent submitted by Kimberly Costello and James Lesko, to reconstruct dwelling, construct an addition, a garage and driveway with grading and drainage in riverfront resource area. (Map 219 lot 115)

Presenter: Micheal Faherty

Mr. Faherty stated that the planting plan was delivered. Unfortunately the owner and the landscape architect have more revisions to do. We are asking for a continuance to the next meeting.

Motion: To continue the project at 66 Woodward Avenue Notice of Intent submitted by Kimberly Costello and James Lesko, to reconstruct dwelling, construct an addition, a garage and driveway with grading and drainage in riverfront resource area. (Map 219 lot 115) to April 4, 2012.

1st: Hugh Prichard

2nd: ?

Vote: Approved 5-0

VI. PUBLIC HEARINGS approximately 9:15 PM

A. 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).

B. 28-2100 33 Stanwood Ave

C. 28-2099 35 Stanwood Ave

Applicant requests continuation to April 4, 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 May 2, 2012.

1st: Barry Gradwohl

2nd: Charles Anderson

Vote: Approved 5-0

D. Continuation- 28-2125 - Newell Stadium, 26 Centennial Avenue, Notice of Intent submitted by the City of Gloucester, DPW, to remove and replace athletic field, add additional fill, remove and replace seating and to construct an accessory building in the buffer to inland and coastal resource areas. (Map 4 lot 1)

Applicant requests continuation to April 18, 2012.

Motion: To continue the project at Newell Stadium, 26 Centennial Avenue, Notice of Intent submitted by the City of Gloucester, DPW, to remove and replace athletic field, add additional fill, remove and replace seating and to construct an accessory building in the buffer to inland and coastal resource areas (Map 4 lot 1) to April 18, 2012.

1st: Barry Gradwohl

2nd: Hugh Prichard

Vote: Approved 5-0

VII. AS TIME PERMITS: COMMISSION BUSINESS

A. Requests for Letter Permits/Modifications

VII. AGENT'S REPORT ON VIOLATIONS
B. Requests for Certificates of Compliance

28-1721; 27 Wingersheek Rd

Motion: To approve 27 Wingersheek Rd

1st: Steve Phillips

2nd: Hugh Prichard

Vote: Approved 5-0

28-1361; 4 Stanwood Pt partial

28-1379; 4 Stanwood Pt

Alicia Robinson, Seekamp Environmental

Ms. Robinson stated Mr. Sova is selling the property. There are two orders of conditions and two enforcements orders that need to be closed. One of the enforcement orders has been reported on the deed.

Ms. Press stated one of the enforcement orders to be done under 1361 had expired and then the work was started. The other was for a foundation that was built in 2008 for an order that was expired in 2006. Ms. Press stated she has spoken to the new owner about the ongoing septage going in and told them no one can live in any of the building until they are connected to sewer or have passed Title 5. That could be a perpetual condition on the new Order. This will be a partial COC until all conditions are met. A vote on three things is needed; release of the recorded enforcement order, a COC for 28-1361 & 28-1379. One will be a complete COC and the other will be a partial with the tree condition on it.

Motion: To release the enforcement order dated February 4, 2009 for 4 Stanwood Point

1st: Barry Gradwohl

2nd: Steve Phillips

Vote: Approved 5-0

Motion: To approve the COC for 28-1379 4 Stanwood Point

1st: Steve Phillip

2nd: Charles Anderson

Vote: Approved 5-0

Motion: To approve the partial COC for 28-1361 4 Stanwood Point

1st: Steve Phillips

2nd: Hugh Prichard

Vote: Approved 5-0

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 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