

**CITY OF GLOUCESTER  
CONSERVATION COMMISSION MINUTES  
WEDNESDAY April 4, 2012 - 7:00 PM  
CITY HALL, KYROUZ AUDITORIUM  
ROBERT GULLA, CHAIRMAN**

**Members Present:**

Rob Gulla, Chair  
Ann Jo Jackson, Co Chair  
Steve Phillips  
Hugh Prichard  
Barry Gradwohl- **Absent**  
Charles Anderson  
Joe 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.

28-2148 137 Wingaersheek

**Presenter: Mary Rimmer, Rimmer Environmental**

**Ms. Rimmer** stated the Commission asked for a review of the mitigation calculations to be matched up to the original plan. The original calculation of impacts includes the patio and has been incorporated into the new plan. The mitigation for plan is 480 square feet over what is needed.

**Motion: To approve 137 Wingaersheek**

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

**2<sup>nd</sup>: Hugh Prichard**

**Vote: Approved 3-0 Ann Jo Jackson abstained.**

Charles Anderson joined the commission.

63 Atlantic St- EO issue

**Ms. Press** stated 63 Atlantic is not ready for discussion.

**II. PUBLIC COMMENT - None**

**III MINUTES REVIEW**

**Motion: To approve the minutes of March 21, 2012**

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

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

**Vote: Approved 5-0**

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

**A. New- 2 Wyoma Rd** Request for Determination submitted by Susan Shaffer, to replace a septic system. (map 257, lot 75)

**Presenter: John Judd, Gateway Consultants**

**Mr. Judd** stated that this plan has been approved by the Board of Health. The majority of the work is outside of buffer. Mr. Judd explained the site to the commission. The only

work being done in the buffer is connecting the new system to the existing pipe.

**Public Comment: None**

**Motion: Negative Determination for the project at 2 Wyoma Rd submitted by Susan Shaffer, to replace a septic system. (map 257, lot 75)**

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

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

**Vote: Approved 5-0**

**B. Mussel Point Road** Request for Determination submitted by John Ellis, to add gravel fill to roadway shoulder in 5 bump out areas. (map 201)

**Presenter: John Ellis 7 Hesperus Ave**

**Mr. Ellis** stated that the main objective is to prevent vehicles from driving on the soft shoulder of the road. There are 3 speed bumps and people tend to drive with one wheel on the speed bump and one on the shoulder. It is to keep them off the shoulder and to enforce speed limits. The work would entail laying enough gravel to bring the shoulder up to the level of the pavement.

**Commission Comments:**

**Ms. Press** stated she had walked the site and the gravel will not migrate. A plan has been submitted.

**Public Comment: None**

**Motion: Negative Determination for the project at Mussel Point Road submitted by John Ellis, to add gravel fill to roadway shoulder in 5 bump out areas. (map 201)**

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

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

**Vote: Approved 5-0**

**C. Amend - #28-2162- 37 Wingersheek Road** Paula Zavrl, requests to amend Order to construct a pergola over decking and to install a fuel pad in buffer to a coastal resource area. (Map 260 lot 09).

**Presenter: John Dick, Hancock Associates**

**Mr. Dick** stated the fuel tanks will be placed on concrete discs. The pergola will wrap around the front of the house and there is already an existing deck and 15 existing concrete sona tubes. We will be removing the existing 15 sona tubes and setting in 4 new ones.

**Public Comment: None**

**Motion: To approve the amendment at 37 Wingersheek Road submitted by Paula Zavrl, to construct a pergola over decking and to install a fuel pad in buffer to a coastal resource area. (Map 260 lot 09).**

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

**2<sup>nd</sup>: Charles Anderson**  
**Vote: Approved 5-0**

**D. New - 28-2199- 135 Coles Island Road**, Notice of Intent submitted by Sandy Patrican, Islands End RT, to construct a new dwelling with associated utilities, driveway and other site work in the buffer to coastal resource area. (Map 259 lot 6).

**Presenter: Mike DeRosa, DeRosa Environmental**

**Mr. DeRosa** stated there is an existing gravel path and the driveway will be placed over it. Mr. DeRosa explained the site to the commission. There is a proposed small retaining wall, rain garden and water quality swale to take roof liters from the house.

**Commission Comments:**

**Mr. Phillip** asked if the performance standards for upland edge ACEC have been met. How do you comply?

**Mr. Derosa** stated we are keeping out of the first 100 feet and we are working in the second two hundred feet of the ACEC. There is nothing going on in the first 100 feet.

**Mr. Gulla** asked if there was any other mitigation proposed other than the swale.

**Mr. DeRosa** stated we have not proposed any other mitigation.

**Mr. Gulla** asked if the other NOI's have been closed out.

**Ms. Press** suggested a site walk.

**Mr. Judd** stated the site is staked and he will send a diagram to the commission to follow along. There are some large dead trees that will be taken out.

A site walk for April 9 @9:30 was scheduled.

**Public Comment: None**

**Motion: To continue the project at 135 Coles Island Road, Notice of Intent submitted by Sandy Patrican, Islands End RT, to construct a new dwelling with associated utilities, driveway and other site work in the buffer to coastal resource area. (Map 259 lot 6) to April 18, 2012.**

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

**2<sup>nd</sup>: Hugh Prichard**

**Vote: Approved**

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

**A. Continuation-28-2193- 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). **Applicant requests continuation to April 18, 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 18, 2012.**

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

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

**Vote: Approved 5-0**

**Rob Gulla recused himself**

**B. Modification - 109R Wheeler St 28-2110** - Elizabeth Levin, to relocate mitigation planting and modify gravel drive to use eco pavers.

**Commission Comments:**

**Ms. Press** they brought the lot next door. The front came to us and we had mitigation for the driveway. They are still doing the mitigation but it will be less because they will have two rows of pavers for the tires to go on.

**Motion: To approve 109R Wheeler St, Elizabeth Levin, to relocate mitigation planting and modify gravel drive to use eco pavers.**

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

**2<sup>nd</sup>: Hugh Prichard**

**Vote: Approved 4-0**

**C. Modification - 109 Wheeler St 28-2110** - Elizabeth Levin, to relocate mitigation planting and modify gravel drive to use eco pavers.

**Motion: To approve the modification for 109 Wheeler St, Elizabeth Levin, to relocate mitigation planting and modify gravel drive to use eco pavers.**

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

**2<sup>nd</sup>: Hugh Prichard**

**Vote: Approved 4-0**

**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). Applicant requests continuation to April 18 2012.

**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 18, 2012.**

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

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

**Vote: Approved 4-0**

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

**A. Continuation- 28-2194 - 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 Manuel, Wetlands and Land Management**

**Mr. Manuel** stated we heard the Commission's concerns and have made some changes. We have reduced the home by 720 square feet and the sunroom has been eliminated. It has been pulled back from the toe of primary dune and the dwelling has been shifted to the east by 8 feet. It has also shortened the driveway by 8 feet. We now have the recirculation sand filter, septic tank on the opposite side of the proposed driveway. The entire project has been reduced by 7200 square feet. Comparing to the

project that already has the order of conditions; the impact was 22,000 square feet. This project is a total of 25,700 square feet and the primary difference is because the driveway is longer. Most of the driveway is in an open area. Mr. Manuell displayed an overlay of the old plan versus the new plan for the commission. He stated the impacts are more or less equal. We don't have to bring in fill for the drive as we did before as it is proposed here.

#### **Commission Comments**

**Mr. Gulla** asked Mr. Manuell to address CZM comments.

**Mr. Manuell** stated he has addressed the comments with CZM.

**Mr. Gulla** stated he was concerned with the driveway issue. The only way to come to an agreement that the applicant has done enough to make it safe for the environment may be to have a third party review.

**Mr. Phillips** stated that he agreed with Mr. Gulla. He stated that the applicant has not proven the case for the driveway and a third party review would give the commission the guidance it needs.

**Mr. Manuell** stated he does not want to force a vote from the commission. With respect to the performance standards; for work on a dune- we can't do anything that impedes the ability of the waves or winds to move the sand around. That is why the house is up on piles. We have to make efforts to protect dune vegetation. The arborist was instrumental in selecting the location for house and the drive so we are not impacting any viable dune vegetation. We have gone to the next step in the landscape plan to diversify the vegetation that is out there so there will be a viable landscape. I think we have the burden of proof. We have a footprint that the commission has approved before, we have a house location that is a virtually the same. We believe the best way to come in is to approach at a gradual incline versus a 12% grade. Our proposal now does not impact vegetated wetland.

#### **John Judd, Gateway Consultants**

**Mr. Judd** stated he was involved with the previous application. One thing to consider is the Limited Project Status. Under the Wetland Protection Act, the Limited Project Status allows you to access your property and allows filling a wetland if there are no other options. We have an opportunity not to impact a resource area. What we have done in the past is to have two or three third party reviewers and there would be one or two that are agreed on. The applicant has the option of approving the reviewer

**Ms. Press** stated the applicant does not determine who the reviewer is. In reference to the Limited Project Status: you are not avoiding a wetland by going in the resource area; you are looking at one resource area versus another. The performance standard for dune is to move. The house is put on pilings but the driveway is impeding movement. We are looking at one impact versus another and which is the greater impact. That is where we want advice.

**Mr. Prichard** stated he can appreciate the applicant's desire for a gradual incline, but a third party review makes sense.

**Mr. Judd** asked the commission who they might be leaning toward for a reviewer.

**Ms. Press** stated a coastal geologist.

#### **Public Comment: None**

#### **John Feener, Warner Street**

**Mr. Feener** stated that if you come in to the house from the shorter distance, the trees will be impacted by foot traffic and soil. On the other side the trees most likely will not

come back.

**Mr. Manuel** asked what the scope of the peer review would be.

**Mr. Phillips** stated the project would have to stand on its own.

**Chris McCarthy 17 Sleepy Hollow Road**

**Mr. McCarthy** stated that 35 truckloads of fill would have to be brought in if the driveway was on the other as originally proposed. There is more disturbances with the old area versus the new area.

**Mr. Manuell** understands the Commission preference for the peer review, but would like the Commission to close the hearing and make a vote

**Motion: To deny the project at 1 Wingersheek Road, 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)**

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

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

**Vote: Approved 5-0**

**Robert Gulla recused himself**

**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)

**Applicant requests continuation to May 2, 2012.**

**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 May 2, 2012.**

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

**2<sup>nd</sup>: Hugh Prichard**

**Vote: Approved 3-0 Ann Jo Jackson left the meeting**

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

- A. Requests for Letter Permits/Modifications  
28-2129 190 Hesperus Ave

**Bill Manuell Wetlands and Land Management**

**Mr. Manuell** stated the owner would like to put a 10x10 gazebo. It comes in a kit on a flat bed truck. It will be on sonas tubes and will be hand dug. It is 80 feet to upper level of coastal bank.

**Motion To approve the minor modification for 190 Hesperus Ave**

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

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

**Vote: Approved 4-0**

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

**B.** Requests for Certificates of Compliance

**C.** Requests for Extension Permits  
28-1873 19 Harbor Loop, gas plant

**Ken Lento, National Grid**

**Mr. Lento stated** the city has requested we move our equipment trailer off the property. We would like to move it to the Coast Guard Station to continue to move product out of the ground. Secondly we have additional sampling we need to conduct and that is why we need an extension.

**Motion: To approve the extension for 19 Harbor Loop, gas plant**

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

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

**Vote: Approved 5-0**

**Motion: To approve the minor modification for 19 Harbor Loop, gas plant**

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

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

**Vote: Approved 5-0**

**Motion: To adjourn the meeting**

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

**2<sup>nd</sup>: Hugh Prichard**

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**