

**CITY OF GLOUCESTER
CONSERVATION COMMISSION MINUTES
WEDNESDAY May 2, 2012 - 7:00 PM**

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

Members Present:

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

3rd Party Consultant vote

Presenter: Suzanne Egan, City Solicitor

Ms. Egan stated this is under Chapter 44 Section 53G. The Commission does have the authority to adopt these procedural rules for the process through which a third party consultant can be hired. It is mandated by this statute.

Public Comment: None

Motion: To adopt the rules for hiring outside consultants under General Law Chapter 44 Section 53G.

1st: Barry Gradwohl

2nd: Charles Anderson

Vote: Approved 5-0.

EO Release 4 Stanwood Pt

Motion: To remind the enforcement order for 4 Stanwood Point.

1st: Barry Gradwohl

2nd: Charles Anderson

Vote: Approved 5-0

CR 8-10 Shore Road

Ms. Press stated that the Commission wanted a conservation restriction to be placed on shore side of property. The restriction will be a deed restriction, not a traditional conservation restriction. It is a small piece of land. The owners will still have to come to us to do any pruning.

Charles Wear

Mr. Wear stated he was not sure why the Commission wanted the restriction. The restriction will help preserve the natural features of the area.

Ms. Press stated she was not sure what the thinking was at the time, but liked the idea

of protection for the area.

Motion: To recommend to City Council to accept the conservation restriction for 8 -10 Shore Road.

1st; Ann Jo Jackson

1. 2nd: Barry Gradwohl

Vote: Approved 5-0

COE 1 Kondelin Road
Beaver dam removal.

Motion: To approve the beaver dam removal at 1 Kondelin Road

1st; Ann Jo Jackson

2nd: Hugh Prichard

Vote: Approved 4-0

II. PUBLIC COMMENT - None

III MINUTES REVIEW

Motion: To approve the minutes of April 4, 2012

1st: Hugh Prichard

2nd: Charles Anderson

Vote: Approved 4-0 with Mr. Gradwohl abstained.

IV Block 1*

A. New- 154 Wheeler St Request for Determination submitted by Tom Evangelista, to enclose an existing 2nd story deck. (map 100, lot 14)

Presenter: Tom Evangelista, 154 Wheeler Street

Mr. Evangelista stated there is an existing deck and I would like to screen it in. A roof and gutters are needed. The water will be run into a 15' stone trench and then into planting beds near the house.

Commission Comments:

Ms. Press stated this is a deck over a patio.

Mr. Gulla stated that it is already impervious below. Usually when we have more impervious added we ask for mitigation, however, since it is already impervious underneath we don't need any mitigation.

Public Comment: None

Motion: Negative Determination for 154 Wheeler St submitted by Tom Evangelista, (map 100, lot 14)

1st: Ann Jo Jackson

2nd: Hugh Prichard

Vote: Approved 5-0

B. New-28-2200- 28 Kondelin Road, Notice of Intent submitted by 28 Harvest LLC, , to replace concrete pad with paved access driveway in buffer to an inland resource area. (Map 197 lot 12).

Presenter: Jack Sullivan, 22 Mt. Vernon Road Boxford

Mr. Sullivan stated that maintenance has to be done to the site. The main purpose is to construct a paved access-way for forklifts to access the building's new front door. It is also for concrete slabs for propane tanks. We balance the work we are doing we will remove a concrete retaining wall and existing concrete pads that are on the site. A operation maintenance plan is in place for the project. We are looking to improve the site conditions. There is a six in drainpipe on the property that will be replaced with an eight inch pipe.

Commission Comments:

Mr. Gulla stated the catch basins should be cleaned

Mr. Sullivan stated cleaning the catch basins is part of this project. The impervious removed will be the 330 square foot concrete pad. The total removal is 815 square feet and we are adding 804 square feet in the buffer zone.

Ms. Press stated the removal is closer to the wetland.

Public Comment: None

Conditions:

- **Catch basins to be cleaned**

Motion: To accept the project at 28 Kondelin Road, submitted by 28 Harvest LLC, Map 197 lot 12).

1st: Ann Jo Jackson

2nd: Barry Gradwohl

Vote: Approved 5-0

C. New- 8 Cabo Drive Request for Determination submitted by Rose Marie Variz to remove, replace and expand deck. (map 185, lot 76).

Presenter: Ken Auld, 428 Essex Ave

Mr. Auld stated he was representing Rose Variz. The existing deck is not in compliance and is falling away from the house. It needs to be torn down and replaced. The money to do the work will be raised through charity events. The composite decking will be reused. There are five 10 inch sona tube to be dug for the new deck. No heavy machinery will be used for the project.

Commission Comments:

Ms. Press stated the deck is basically the same square footage.

Public Comment: none

Conditions:

- **Hand dug sona tubes**
- **No heavy machinery to be used**
- **Straw waddle**
- **72 hours notice to the agent prior to work starting.**

Motion: Negative determination for the project at - 8 Cabo Drive submitted by

Rose Marie Variz (map 185, lot 76).

1st: Ann Jo Jackson

2nd: Charles Anderson

Vote: Approved 5-0

D. New 70 Concord Street Notice of Intent submitted by William Tribou, to remove and replace a septic system in the buffer to inland resource area. (Map 234 lot 24).

Presenter: John Judd, Gateway Consultants

Mr. Judd stated this is for the replacement of a sewage system. He explained site to commission. The leaching field will be replaced in the same location. The Board of Health has approved the design.

Commission Comments:

Ms. Press asked if the shrubs in front of the house would be impacted.

Mr. Judd stated they would not.

Ms. Jackson stated the Commission is to be placed on the list of people to be notified if any changes to the plan are made.

Public Comment: None

Conditions:

- **The Conservation Commission to be placed on the list for people to be notified if any changes are made to the plan.**

Motion: To accept the project at 70 Concord Street submitted by William Tribou (Map 234 lot 24).

1st: Ann Jo Jackson

2nd: Hugh Prichard

Vote: Approved 5-0

E. Continuation 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 that one of the main issues was the invasive species maintenance plan for the upland edge. We had done an inventory of the area, and there are numerous invasive species. Area A is dominated by Border Privet, Greenbrier, Honeysuckle, Area B- Greenbrier, and Honeysuckle, and Area C- stressed cherry Raspberry, Honeysuckle and Greenbrier. These three areas are where we are focusing the mitigation. Because of the entire ledge we will be doing pocket planting. Area A and B are mostly exposed ledge. We will have Blueberry bushes and seed the areas with switch grass. In Area C, we will do native canopy trees. They will be 2 inch caliper. There is a lot of small red cedar and we are planning to relocate some of those. Erosion controls will be in place.

Commission Comments:

Ms. Press stated concern that the removal and planting would not happen at the same time.

Mr. Derosa stated that he likes to do the removal in the winter. The area will be stabilized until we are ready to plant.

Mr. Gulla requested a supporting document showing the timeline of the planting and an explanation why and how it is done.

Mr. Gulla confirmed that the entire plant list is for the upland edge. He stated concern about the future management of the land if the owners change hands.

Ms. Press suggested a deed restriction.

Mr. Gulla requested posts or plaques in the area that cannot be changed.

Mr. Derosa was agreeable to that.

Ms. Press requested monitoring reports twice during the growing season for two years.

Public Comment: None

Conditions:

- **Monitoring report twice per year during growing season for two years to be submitted to the Agent.**

Motion: To accept the project at 135 Coles Island Road, submitted by Sandy Patrican, Islands End RT, (Map 259 lot 6).

1st: Ann Jo Jackson

2nd: Hugh Prichard

Vote: Approved 4-0 Mr. Gradwohl abstained

V. Block 2*

A. New- 99a Essex Ave Request for Determination submitted by Alan Hill, to remove an abandoned fuel pipe in the buffer to a riverfront resource area. (map 218, lot 126)

Presenter: Michael Faherty

Mr. Faherty stated a 10,000 gallon tank was removed from the property. The fuel used to travel underground. The dry pipe will be taken out. It is located approximately 12 -15 inches in the ground.

Commission Comments:

Ms. Press stated a straw waddle needs to be in place while the work is done.

Public Comment: None

Conditions:

- **Straw waddle to be in place while work is done**

Motion: Negative Determination for the project at 99a Essex Ave submitted by Alan Hill. (map 218, lot 126)

1st: Ann Jo Jackson

2nd: Barry Gradwohl

Vote: Approved 5-0

B. New-10 & 12 Lupine Lane Request for Determination submitted by Riverdale Place Partners, 10 & 12 Lupine Lane, to install 2 foundation drainage systems in buffer to an inland resource area. (map 108, lots 27,28)

Presenter: Michael Faherty

Mr. Faherty stated he has worked with Paul Keane for this system. It is only for rainwater. There are two of them.

Commission Comments:

Ms. Press stated she had no concerns.

Public Comment: None

Motion: Negative determination for the project at 10 & 12 Lupine submitted by Riverdale Place Partners, (map 108, lots 27,28)

1st: Ann Jo Jackson

2nd: Hugh Prichard

Vote: Approved 5-0

C. New- 79 Eastern Point Blvd Notice of Intent submitted by Joseph Hadley to remove and replace dwelling with additions, in the buffer to a coastal resource area. (Map 136 lot 8).

Presenter: Dan McRichey 7 Hillside Ave, Exeter NH

Mr. McRichey stated this is the third filing for this project. One was for emergency repairs, the second was for repair of the pool, and this filing is for the reconstruction of the existing home. Mr. McRichey explained site to the commission. In addition to the reconstruction of the house to the same footprint is the addition of a garage. Part of the garage is outside the buffer. A landscape plan and drainage plan has been submitted. The drainage plan has been reviewed by Mr. Keane and he has provided his recommendation to the commission. The drainage designed is intended to replicate the conditions that are there now. He explained the drainage plan to the commission. There is a small increase to impervious within the buffer. To compensate for that there is an infiltration area in front of house.

Commission Comments:

Ms. Press asked if anything is going into the harbor

Mr. McRichey stated there was not.

Ms. Jackson asked if this project meet the guidelines for renovation or new construction

Mr. McRichey stated the vast majority of the house will sit on the existing foundation with some areas on new foundation.

Mr. McRichey stated there is a covered porch and patio. The porch will be on piles. We have accounted for the patio in the mitigation.

Mr. Gulla stated the commission looks for the planting towards the resource.

Ms. Press stated that planting toward the resource is not possible on this site. It is a very small area and there is ledge.

Mr. Gulla asked if any trees being are being removed.

Mr. McRichey stated that near the garage area within the buffer there is one Maple,

one Oak and two Black Locusts. Two trees will be removed.

Ms. Press asked if the garage could be moved slightly.

Mr. McRichey stated there is not a lot of room to move around.

Michal Grey, Architect

Mr. Grey stated that the project received approval from the ZBA. If the garage is moved over it would be in front of the house and that would not be acceptable to the client.

Ms. Jackson asked if the planting included any trees.

Mr. McRichey stated we have proposed two Beech Plum trees, and 50- 75 shrubs and perennials.

Mr. Gulla stated that Beach Plum trees are not the type of trees the commission is looking for. You will need to plant 2- 2inch caliper trees. Please double check the trees and certify them to the agent.

Public Comment: None

Motion: To continue the project at 79 Eastern Point Blvd Notice of Intent submitted by Joseph Hadley to remove and replace dwelling with additions, in the buffer to a coastal resource area. (Map 136 lot 8) to May 16.

1st: Ann Jo Jackson

2nd: Barry Gradwohl

Vote: Approved 5-0

D. New- 41 Whittemore St NOI Notice of Intent submitted by John McNiff Jr, Cape Ann Forge Trust, 41 Whittemore Street to conduct soil and sediment sampling in the riverfront resource area. (Map 21 lot 7).

Rob Gulla recused himself

Presenter: Ken Fields, 54 Canal Street, Boston

Mr. Fields stated the sampling is done the mean water line. We will be collecting 5 samples.

Commission Comments:

Ms. Press stated there were no issues.

Public Comment: None

Motion: To accept the project at 41 Whittemore St NOI submitted by John McNiff Jr, Cape Ann Forge Trust,. (Map 21 lot 7).

1st: Barry Gradwohl

2nd: Hugh Prichard

Vote: Approved 4-0

Rob Gulla rejoined the commission

VI. Block 3*

A. New 29 Salt Island Rd Request for Determination submitted by Andrew & Jane Knott, to remove invasive vegetation and replant with native in buffer to coastal bank. map 176, lot 47)

Presenter: Jayne Knott, 29 Salt Island Road

Ms. Knott stated she would like to prune the shrubs and brush, maintain and control invasives, and remove the dead material. We want to plant native shrubs. There will be no filling or excavation.

Commission Comments:

Ms. Press stated she would like a rough plan with counts of how many plants and what species are to be planted.

Public Comment:

Douglas Fyfield

Mr. Fyfield stated his support for the project.

Conditions:

- **Submit to Agent planting plan with counts and species**

Motion: Negative Determination for the project at 29 Salt Island Rd submitted by Andrew & Jane Knott map 176, lot 47)

1st: Barry Gradwohl

2nd: Charles Anderson

Vote: Approved 4-0 Ms. Jackson abstained

B. Continuation- 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).

Continued to May 16, 2012.

Motion: To continue the project at 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) to May 16, 2012.

1st: Ann Jo Jackson

2nd: Charles Anderson

Vote: Approved 5-0

B. 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).

Presenter: Michael Faherty

Mr. Faherty stated they have removed the boat wash facility and all valves associated with it. The bathroom building is under a separate order of conditions and a facility for kayak storage. An underground water line will run out to the beginning of the pier. It will be seasonal and buried 1 ½ to 2 feet underground. We are under an AUL for the whole property. We are also reconnecting the electrical service to the property. Mr. Faherty explained the site to the commission. The elevated wall work will be done by hand and there will be general clean up of the area. A 12 foot proposed boat ramp to launch boats

and a 2 foot high wall will be constructed to contain sediments from flowing. The entire site will be repaved.

John Judd, Gateway Consultants

Mr. Judd stated we are keeping the drain and putting in a proprietary device which is more in line for separation of sediments. It is a CDS tank. It will be separated and the sediment will settle to the bottom and clean discharge will go to the discharge point. A revised construction plan has been submitted.

Commission Comments:

Mr. Gulla confirmed that the whole site will go to the one catch basin.

Mr. Judd stated yes. Everything will make its way into the trench drain.

Ms. Press stated that the city engineer has approved this system.

Ms. Press stated she would like to continue this to May 16 so she would have an opportunity to write the conditions.

Public Comment: None

Motion: To continue the project at 31 Rocky Neck Avenue submitted by Michael Faherty, 2531 RNA Realty Trust, (Map 130 lot 5,6,7,8) to May 16th.

1st: Ann Jo Jackson

2nd: Barry Gradwohl

Vote: Approved 5-0

D. 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 16, 2012.

Motion: To continue the project at 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) to May 16.

1st: Barry Gradwohl

2nd: Ann Jo Jackson

Vote: Approved 5-0

E. . 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).

F. 28-2100 33 Stanwood Ave

G. 28-2099 35 Stanwood Ave

Applicant request continuation to June 6, 2012.

Motion: To continue the project at 28-2101-31 Stanwood Ave, 28-2100 33 Stanwood Ave, and 28-2099 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

June 6.

1st: Hugh Prichard

2nd: Ann Jo Jackson

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

28-2131 12 Wolf Hill Rd

28-2108 11 Lincoln Street

28-2057 11 Lincoln Street

28-2114 68 Summer Street

Motion: To approve the Certificates of Compliance

1st: Barry Gradwohl

2nd: Ann Jo Jackson

Vote: Approved 5-0

*** Please note that items may be taken out of order.**

Motion: To adjourn

1st: Ann Jo Jackson

2nd: Hugh Prichard

Vote: Approved 5-0

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