

**CITY OF GLOUCESTER
CONSERVATION COMMISSION MINUTES
WEDNESDAY June 27, 2012 - 7:00 PM**

**1st FLOOR CONFERENCE ROOM AT CITY HALL,
ROBERT GULLA, CHAIRMAN**

Members Present:

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

Staff:

Lisa Press, Agent
Pauline Doody, Recording Clerk

Also Present: Councilor Melissa Cox, Councilor Paul McGeary, and Councilor Joe Ciolino

Items may be heard out of listed order.

I. 1-5 minutes, review of amended, updated or final information, status reviews, modifications, signing decisions etc. None

II. PUBLIC COMMENT - None

III MINUTES REVIEW

The board decided to review the minutes at the July 18th meeting.

IV Block 1*

- A. New- 28-2211 -47-61 Commercial Street** Beauport Gloucester LLC to determine the Resource Area Delineation. (Map 1, lot 33).

**Presenter: Attorney John Cunningham 59 Main Street
Todd Morey, Beals Associates.
Les Smith, Epsilon Associates
Todd Morey, Charlestown MA.**

Attorney John Cunningham stated that the purpose of this is to show the resources and the boundary of the resources as determined by our engineer.

Mr. Morey stated that is in the packet is an existing conditions survey. He explained the site plan to the commission. The Shellfish constable was contacted and his note indicates that there are sea clams and eel grass beds in Gloucester Harbor.

Commission Comments:

Mr. Gulla explained what an ANRAD is to the public. What the commission is reviewing is what the applicant is showing as the resource area. The commission is going to request that a third party reviewer be hired by the commission at the applicant's expense. The commission feels this is a sensitive area and warrants this type of review. RFPS's will be sent out to bid and the commission will select the company best qualified

to review this plan for accuracy. A scientist will check the work and make sure it is correct. Then we will come back and render a decision to an order for the delineation that says it is either correct or not then approved or denied.

Mr. Cunningham approved the commissions request to send out RFP's.

Public Comment:

Justin Demiteri 1 Aclaire Ave

Mr. Demetri asked if the scientific investigation include previously filled tidelands and an archeological survey if things are found.

Ms. Press stated no.

Nathaniel Mulcahey 33 Middle Street

Mr. Mulcahey pointed out to the commission that the historic high tide line isn't on the map and wanted to know why.

Mr. Gulla stated the commission does not recognize historic information, just current.

Mr. Mulcahey stated the current NOAA high tide line is also not on the map. He stated he will forward it to the commission so it can put on the map.

Mr. Cunningham indicated he would look at the information when it is forwarded.

Mr. Mulcahey stated since we are only talking about the coastal issues and resources- then why is it specified in the legend on the map that the dotted line is the building overhang.

Mr. Morey explained to Mr. Mulcahey that the lines they were interior building lines.

Jessica Anders 33 Middle St

Ms. Anders asked the process of the public hearings and the dune review.

Mr. Gulla stated we are talking about resource and coastal dune is technically a resource. What is being presented is coastal bank not coastal dune. We don't know for sure and that is why the commission is hiring a third party reviewer.

Ms. Press stated the scientist that is hired will be working for the commission. The public can ask the commission their questions, but the commission chooses the questions to be asked of the scientist. The questions have to be valid and related.

Mr. Feener stated that the resource will be delineated by the third party scientist.

Laurel Tarantino- 26 Fort Square

Ms. Tarantino asked if the scientists go up for bid.

Mr. Gulla stated three RFP's are sent out and the commission will choose the one with the best qualifications for this determination.

Sandra Demetri 1 Beach Court

Ms. Demetri asked if the new FEMA maps have come out.

Ms. Press stated they are supposed to come out July 1.

Les Smith, Epsilon

Mr. Smith pointed out the current FEMA lines to Ms. Demetri.

Jesse Browning 10 Trask St

Mr. Browning asked if it is a dune area and why it isn't indicated on the map.

Mr. Gulla stated that is what will be determined by the scientist.

Ann Mallory 80 Commercial Street

Ms. Malloy stated she was curious as to why it doesn't matter where the high tide mark is. It shows that it is 10 feet into the building as shown on the coastal zone management map.

Mr. Gulla explained the different type resource areas to the public.

Rona Tyral, 44 Fort Square

Ms. Tydall requested that the public hearing be continued because the room was too small to accommodate all the people who are interested in this project.

Mr. Gulla stated that is the intent once all the public comment has been heard.

Annette Tarantino 2 Fort Square

Ms. Tarantino stated for clarification that the submitted map is just to go by now and it could be changed once the scientist has taken a look at it.

Mr. Gulla confirmed that could happen or it could be correct as is.

Patty Page 3 Tidal Cove Way

Ms. Page asked the commission for the definition of a coastal bank.

Ms. Press explained the definition to the public.

Motion: To continue the project at 47-61 Commercial Street Beauport Gloucester LLC to determine the Resource Area Delineation. (Map 1, lot 33) to July 18, 2012

1st: Ann Jo Jackson

2nd: Charles Anderson

Vote: Approved 6-0

John Feener recused himself

B. Continuation- 28-2206- 2 Norrock Road Notice of Intent submitted by Timothy & Liane French, 2 Norrock Road to construct a dwelling with associated utilities and driveway in the buffer to an inland resource area. (Map 182 lot 7).

Presenter: John Judd, Gateway Consultants

Mr. Judd stated that the plan has been revised as requested by the commission. It is a smaller footprint, the cross section view was added, the limited of work was denoted on the plan and is on the erosion control line and is extended further up the slope. The landscaping plan was submitted. It included planting within the buffer zone as requested. 10 full size trees will be planted and several plants within the rain garden. It will be enhanced with Hemlock, Swamp Magnolia, Arrowood, Swamp Azalea, Tulip Tree, Rhododendron and Switchgrass. The city engineer has reviewed the project and endorses it as it relates to drainage. Everything will be recharged on site.

Commission Comments:

Ms. Press asked if the data sheets from Mike Seekamp had been submitted.

Mr. Judd stated yes.

Mr. Gulla stated concern on the limit of work. How do we control where the no disturb line is.

Mr. Judd stated that we have had metal plaques made up that could be bolted to rocks.

Ms. Press suggested posts to be placed in the designated areas with plaques nailed to

them.

Public Comment:

Germaine Fritz, 22 Rockholm Road

Ms. Fritz stated that what will be planted will not compensate for the number of tree that are coming out. She asked what would be planted. The Rockholm homeowners have spent a tremendous amount of money to help with flooding. We need what nature has to conserve water. Ms. Fritz stated that the arborist recused himself from this project because he is working on this project. There is a conflict of interest. He shouldn't be working for them because he knows the inside scoop to help get this project approved. It is unethical and taints the water. The City of Gloucester should be better than this.

Mr. Gulla stated that every commissioner has the right to recuse themselves from this commission for a project.

Mary Louise Giuliano, 11 Norwood heights.

Ms. Guiliano read from DEP guidelines service regulation when considering proposals in a buffer zone. She stated that the work is within 41 feet of buffer and the guidelines states the work should be more than 50 feet from the resource area.

A slope within the buffer zone must not be steeper than 15%. Mr. Judd calculation ratio, this project is constructed on an 18.5 degree slope. There is no indication as to how the slopes will be retained and stabilized. There was also a question about the size of the retaining wall around the driveway. According to DEP it says that no more than 40% of the buffer zone between 50 & 100 feet may be impervious surface for inland resource areas. How much water volume is the proposed Rain garden designed to accommodate? What will mitigate the discharge of runoff into Norrock Road and from the road into the wetlands at the bottom of the property? How has it been determined that the granite slope will not require blasting?

In Mr. Feeners landscape plan he made a comment that this project will enhance the ecological composition of this properties. She stated she cannot imagine that by clearing trees and brush would enhance the composition of this property.

Ms. Press: stated that those are DEPS guidelines for a Simplified Review permit, a process no longer being used.

Jonathan Poor, Leonard Street

Mr. Poor submitted his comments to the commission

Mr. Poor stated concern that there will channeling and scouring and nothing to slow down the water. To help with that potential problem is to add terracing.

Ms. Press stated that the commission shouldn't allow lawn above the house. There could be native shrubs planted instead. We are pushing the boundary of what we have allowed

Mr. Gulla asked if the rain garden can handle the water volume coming down.

Mr. Judd stated that with the amount of the vegetation coming out there will be a change in the rate of runoff. The curb number in doing drainage calculations is related to slope and the cover condition of the property. We are proposing 33 trees and shrubs for mitigation. The rate of runoff we are required to accommodate is under the storm water handbook for a single family dwelling. The city of Gloucester has a drainage ordinance which requires mitigation for the 25 year storm event. The rain garden will be able to handle the run off. He explained the rain garden design to the commission. We

will also look at additional retaining walls if necessary, but they are not proposed at this time

Mr. Phillips stated that he has to abstain from voting on this hearing however in wants to respond to the ethics question raised by Ms. Fritz. He stated that what Mr. Gulla stated is true and the remedy is to call the State Ethics Commission.

Ms. Press stated it is very hard to be on the commission. The commission wants people who are experts in their fields and who are local to the community. If those people could not accept work in their community there would barely be anyone serving on the board.

Isabel Brown, 21 Leonard St

Ms. Brown stated she is also concerned with the water control. She indicated that two members listed on the website shows that their commission has expired.

Mr. Gulla explained how the appointments are made.

Debra Gardner, 13 Norwood Heights

Ms. Gardner stated her concern that as an audience member she has noticed that many of the commissioners have not responded to the issues raised. Does the commission have a set of clear guidelines that the public can have.

Mr. Gulla stated the commission only work on the problems that we see. We do address the issues as they come up and look at how they have been mitigated for. If there are any changes the applicants have to come before us again.

Motion: To continue the project at 2 Norrock Road submitted by Timothy & Liane French, 2 Norrock Road to construct a dwelling with associated utilities and driveway in the buffer to an inland resource area. (Map 182 lot 7) to July 18th..

1st: Ann Jo Jackson

2nd: Charles Anderson

Vote: Approved 4-0 with Steve Phillips abstaining

Mr. Feener rejoined the commission

B. New -28-2215- 3 Rackliffe Street Notice of Intent submitted by Susan Balestraci, to construct an addition and remodeling of dwelling in the buffer to coastal resource area. (Map 129 lot 15).

Presenter: Randy Burley, Mill River Consulting

Mr. Burley stated the project includes a small 11x22 addition and two bump outs of 3x4 and 3x20.

Commission Comments:

Mr. Feener stated that in the narrative the vegetation garden was as proposed as mitigation for disturbance. That may need to be changed as vegetable gardens do not count towards mitigation. Also the area that will be loomed and seeded- the soil complexion will change and turn to clay. He stated he would like to see vegetation planted for water velocity control and what the elevation change will be.

Ms. Jackson confirmed with Mr. Burley that there would be 375 feet of addition and 250 of planting. She also asked if there was a possibility of blasting.

Mr. Burley stated the additions will be on a slab so there is no need for blasting.

Mr. Gulla stated the commission looks for mitigation and wants to know what will be planted. He asked Mr. Burley to show where the 250 of planting will be.

Mr. Feener indicated he would like to see a curve or bump out on some of the gardens to help with water velocity issues.

Public Comment: None

Conditions:

- **No blasting.**
- **Planting list**
- **Add curving to existing garden beds**

Motion: To approve the project at 3 Rackliffe Street submitted by Susan Balestraci, to construct an addition and remodeling of dwelling in the buffer to coastal resource area. (Map 129 lot 15).

1st: Ann Jo Jackson

2nd: Steve Phillips

Vote: Approved 6-0

C. New-28-2212 - 201R Essex Avenue Notice of Intent submitted by Sharon Perkins, to construct a driveway crossing in an inland resource area. (Map 219 lot 178).

Presenter: John Judd, Gateway Consultants

Mr. Judd stated this is a 1 acre vacant property. It was a previously approved project with a similar size building. The house is outside the commissions jurisdiction. The applicant is looking to access the property by a 12 foot gravel wide drive, 2 foot high retaining wall with boulders on either side. The total alteration is 1260 square feet and looking to replicate 2500 square feet adjacent to the driveway. 27 red maples and 27 Sweet Pepper Bush will be planted. There is more plantings and less fill going into wetland area than was previously approved from the last project.

Commission Comments:

Mr. Phillips confirmed with Mr. Judd that all the changes reduce the environmental impact

Ms. Press stated she would like to see the wetland reflagged.

Mr. Judd stated the flags have been replaced and match the 2012 boundary.

Mr. Feener stated that an area on the side of the driveway for snow to be deposited to be designated. He asked that an area or culvert for critter crossing to be put on the map.

Mr. Judd stated there is a culvert for smaller critters to go across.

Public Comment: none

Conditions:

- **Snow stock piling removal outside of buffer**
- **Culvert crossing**
- **Note what wetland flags are different and that they are accurate and subject to significant deviation from existing in the Agents opinion**

Motion: To approve the project at 201R Essex Avenue submitted by Sharon Perkins, to construct a driveway crossing in an inland resource area. (Map 219 lot 178).

1st: Ann Jo Jackson

2nd: John Feener

Vote: Approved 6-0

V. Block 2*

A. New- 28-2213-50 Sumner Street to, Notice of Intent submitted by William Smith to replace a septic system in a riverfront resource and ACEC area. (Map 240 lot 17).

Presenter: Alan Rosco, Hancock Associates

Mr. Rosco explained the site to the commission. The goal was to place the components as far away as from the resource as possible. It will be pumped dry and filled with sand. It is inland to upland edge to ACEC. The lot was in existence prior to 1961.

Commission Comments:

Mr. Feener stated the applicant should remove the tree down that will be near the leeching field and replace it.

Public Comment: None

Motion: To approve the project at 50 Sumner Street submitted by William Smith to replace a septic system in a riverfront resource and ACEC area. (Map 240 lot 17).

1st: Ann Jo Jackson

2nd: Steve Phillips

Vote: Approved 6-0

B. New- 20 Magnolia Avenue Request for Determination submitted by Krista Queeney, to construct an addition on foundation and a covered porch. (map 173 lot 7)

Presenter: Krista Queeney, 20 Magnolia Ave

Ms. Queeney explained the project for the addition. It will be 24x18 and 10x 8 with a covered porch. The deck is preexisting.

Commission Comments:

Mr. Gulla stated he would like to see plantings for mitigation. He asked for a planting plan including one tree.

Public Comment: None

Conditions:

- **Planting plan submitted to prior to construction.**

Motion: Negative Determination for the project at 20 Magnolia Avenue submitted by Krista Queeney, to construct an addition on foundation and a covered porch. (map 173 lot 7)

1st: Steve Phillips

2nd: Ann Jo Jackson

Vote: Approved 6-0

C. New- 28-2214- 149 Atlantic Road Notice of Intent submitted by Ralph DiGiorgio, to construct a duplex with associated utilities and gravel driveway in the buffer to an inland resource area. (Map 73 lot 34).

Presenter: Mary Rimmer, Rimmer Environmental Consulting

Ms. Rimmer stated that this site was subject to previous conditions. There is a difference in the wetland boundary from the previous submission. The wetlands have encroached onto the site. It will be a 2 family home with all the utilities coming in from Atlantic road. The extension of the deck is 8 feet off ground. A split rail fence proposed and standard erosion control will be in place.

John Judd stated the building has been reduced to 53x40.

Commission Comments:

Ms. Press stated she does not want the commission to set a precedent for deck over wetlands. Since the site is heavily vegetated and can't do mitigation for the additional pervious. It should remain mostly vegetated. The backyard should not become lawn. The way to handle the roof runoff is for it to be percolated by gravel drip drains.

Public Comment:

Chris Dinado , Bass Rocks Golf Club

Mr. Dinado stated his concern about the structure. The area is very wet and worried that the structure will impede the water.

Solange Baumann 145 Atlantic Road

Ms. Baumann stated she was concerned about the water table. She stated that her property has been invaded with cattails because it has become so wet. There is also a lot of wildlife.

Joe Ciolino 28 High Popples Road

Councilor Ciolino stated that on the rear of the property, all the water between High Popples and this lot surges there. There is a lot of flooding that goes on in this area. The city has been trying to help out the neighbors by keeping storm drains clear.

Mr. Gulla asked how does it affect the environment.

Mr. Ciolino stated it's not that we don't want them to build. He also questioned the decks to be built. He stated that it looks like a carport with a deck on top and they will probably need a variance. It is a complicated property.

Mr. Gulla suggested contacting the city engineer about the storm water management etc. This commission only deals with environmental issues.

Ms. Rimmer stated that Paul Keene has reviewed the project and did not see any issue

Ms. Press asked if there is a 100 flood plain on the lot.

Mr. Judd explained the velocity zone to the commission. There is a culvert that makes it way through right of driveway of Ocean View Inn. It is not maintained.

A site visit was scheduled for July 9th @ 4:30.

Motion: To continue the project at 149 Atlantic Road submitted by Ralph DiGiorgio, to construct a duplex with associated utilities and gravel driveway in

the buffer to an inland resource area. (Map 73 lot 34) to July 18

1st: John Feener

2nd: Ann Jo Jackson

Vote: Approved 6-0

VII. AS TIME PERMITS: COMMISSION BUSINESS

A. Requests for Letter Permits/Modifications

VII. AGENT'S REPORT ON VIOLATIONS

B. Requests for Certificates of Compliance

28-1490 Blynman Canal

28-1423 Essex Ave, Western Ave.

28-1540 Magnolia Ave

**Motion: To Approve the Certificates of Compliance for 28-1490 Blynman Canal
28-1423 Essex Ave, Western Ave. and 28-1540 Magnolia Ave**

1st: Steve Phillips

2nd: John Feener

Vote: Approved 6-0

C. Requests for Extension Permits

28-1902 16 Cononicus Rd

Ms. Press stated that some of the work is not done and the applicant has changed some of the plans.

Conditions:

- **6 month approval**

Motion: To approve the Extension Permit for 28-1902 16 Cononicus Rd

1st: Ann Jo Jackson

2nd: Steve Phillips

Vote: Approved 6-0

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

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