

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

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

Members Present: Robert Gulla, Chair, Ann Jo Jackson, Co Chair, Barry Gradwohl, Charles Anderson, Steve Phillips, Hugh Prichard, John Feener
Staff: Lisa Press, Agent, Pauline Doody, Recording Clerk

The meeting opened at 7:06pm.

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.
28-2206 2 Norrock Rd

John Feener recused himself.

Mr. Gulla clarified that the standards referenced in Ms. Guilliano's most recent letter were those applicable to DEP's former simplified review procedure and are not applicable here, and also that there is no stream on the property.

Ms. Press explained the simplified review process to the board and public.

Motion: To accept the conditions at 2 Norrock Road.

1st: Ann Jo Jackson

2nd: Hugh Prichard

Vote: Approved 4-0 with Mr. Phillips and Mr. Gradwohl abstaining.

John Feener returned to the commission

Emergency Certification - 19 Harbor Loop

Ms. Press stated National Grid encountered during their clean up process in the harbor that the Harbormaster's pier is unsafe. It will be taken down this week.

Motion: To approve the emergency certification for 19 Harbor Loop

1st Ann Jo Jackson

2nd: Barry Gradwohl

Vote: Approved 7-0

Hugh Prichard left the meeting for the evening.

Abby Hardy- Moss 64 Beacon Street, Somerville MA.

Natti Lot Project- Essex Country Greenbelt Association.

Ms. Moss reviewed the maps of the Natti property. Greenbelt is working to acquire 18.1 acres from the Natti's. Have applied for a Conservation Partnership Grant with the state and part of that requirement is getting a conservation restriction with the town or the state. Ms. Moss stated that she was here tonight asking for the commission to accept

and approve the conservation restriction. Greenbelt will be preparing a joint management plan with New England Forestry Foundation. There will be public access, parking area, trails on the property. The reserved rights anticipated are limited forestry, habitat management, and public access.

Motion: To accept the conservation restriction for the Natti property on Quarry Street with the condition that the Conservation Commission is to review the restrictions when document is drafted.

All approved 6-0

II. PUBLIC COMMENT - None

III MINUTES REVIEW

Motion: Approval of the minutes for June 6 & 27, 2012.

1st: Ann Jo Jackson

2nd: Barry Gradwohl

Vote: Approved 5-0 with Mr. Phillips abstaining on the 6-6-12 minutes.

Approved 6-0 for 6-27-12 minutes

IV Block 1*

A. Continuation- 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).

Applicant requests continuation to August 1, 2012.

Motion: To continue the project at 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) to August 1, 2012.

1st: Ann Jo Jackson

2nd: Charles Anderson

Vote: Approved 6-0

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

**** The Commission will only be selecting the 3rd party reviewer at this time and will not be taking public comment.**

Ms. Press stated that the three companies the commission received bids from were all very qualified and were all in the same price range. Wood Hole Group was the most detailed and offered more for the package in terms of reports, mapping etc. They e also gave the commission many more hours than the others.

Attorney John Cunningham 59 Main Street

Attorney Cunningham stated that any of the companies the commission thought best for this project would be fine with his client.

Mr. Feener added that Woods Hold Group gave the commission a completion date which is very important.

Motion: To approve Woods Hole Group as the third party consultant for the project at 47-61 Commercial Street Beauport Gloucester LLC to determine the Resource Area Delineation. (Map 1, lot 33).

1st: Steve Phillips

2nd: Barry Gradwohl

Vote: Approved 6-0

C. New- 28-2216- 50 Mussel Point Road Notice of Intent submitted by Howell Custom Building Group Inc., to remove and replace decks, 3 season room and patio in the buffer to a coastal resource area. (Map 191 lot 29).

Presenter: Jack Sullivan, Sullivan Engineering Group, 22 Mount Vernon Road, Boxford, MA.

Mr. Sullivan stated that this is an existing single family dwelling with an existing deck that will be removed and a larger deck will be constructed. The concrete patio will be removed and then that area will be loamed and seeded, construction of a granite retaining wall 18 inches high, a bluestone patio will be part of the project, as well as, a three season porch. There is a net decrease of over 700 square feet of impervious surface. A design waiver was granted for the drainage by the city engineer because of the decrease in impervious. The deck needs a special permit since the structure is non conforming. DEP has issued a file number for the project. This project falls within the coastal bank. In the 1990's a concrete seawall was constructed and runs the limits of the coastal bank. There is a 1 foot reveal. There will be siltation control and a tight limit of work area. The only equipment allowed for the deck and back will be a bobcat to help protect the existing lawn. All work will be within 100 feet of coastal bank.

Commission Comment:

Mr. Feener stated that in times past we have requested plywood put down for the bobcat equipment to run on at turn points to help protect the area. He also stated that where the concrete is being removed, an 18" wide planting area be included so leaching material will not run into the coastal bank.

Public Comment: None

Lawrence Howell, Howell Custom Building Group, 360 Merrimack St., Lawrence Ma.

Conditions:

- **Plywood to be placed where Bobcat equipment will be working.**
- **18" native planting bed to be included where concrete is being removed by seawall.**

Motion: To approve the project at 50 Mussel Point Road submitted by Howell Custom Building Group Inc., to remove and replace decks, 3 season room and patio in the buffer to a coastal resource area. (Map 191 lot 29).

1st: Ann Jo Jackson

2nd: Charles Anderson

Vote: Approved 6-0

D. New- 28-2218-5 Aileen Terrace Notice of Intent submitted by John Haley Jr. to enlarge existing floating dock in a coastal resource area. (Map 137, lot 3).

Presenter: Ann Martin, LEC Environmental Consultants, 107 Audubon Road, Wakefield, MA.

Ms. Martin stated that in 2008 Charles Engineering appeared before the commission and permitted a pier, gangway, and float. The size of the float is 10 x15. The applicant would like to enlarge the float as he feels it is too short and unsafe when walking down from the gangway. The gangway comes to the center of the float at high tide and between the cleat and float there is only 2.5 feet. Ms. Martin stated they would like to increase the size to 14 x 30. We would like to offset the float enlargement by offering to have mitigation elsewhere by doing research/monitoring of eel grass in the area.

Commission Comment:

Mr. Feener stated that in the past when the commission has approved these floats and if someone wanted to enlarge it, three reasons were needed.

Mr. Gradwohl stated the only time we made an exception, was when the commission received a letter from the harbor master and shell fish warden saying that there were navigational issues, current reasons etc.

Mr. Feener stated he would like to see an alternative analysis to see why the deck needs to be larger.

Mr. Gulla stated that this seems to be a personal preference issue and not a concern of the environment. In the previous hearing the commission went through a very lengthy process to determine the floats current size. It was not because of the float being near the eel grass but the use of boats and they angle they come into the float over the eel grass beds if the float was bigger. The original concerns are still there. In 2004 this was vetted very cleanly

Ms. Press stated that to enlarge a float, larger than what the commission typically allows, going to closer to eel grass, goes against all we do.

Dr. Gregg Moore, University of New Hampshire

Mr. Moore stated that he works with eel grass and after several dives at different times, the eel grass was not found near or under the dock. He stated his role was to see where the eel grass was present and where it was not present. The mitigation suggested is to do a rigorous managing program pre and post monitoring and to move forward with conservation moorings. The applicant has two or three moorings, with two being in an eel grass beds. He stated his view is that the impacts are very minimal and the benefits of mooring replacements monitoring both in the zone and in an adjacent eel grass bed might be a way to mitigate.

Ms. Press asked Ms. Martin if the applicant has boat moorings in addition to the float.

Ms. Martin stated yes, but he does not moor his boats on the float.

Ms. Press stated that often when someone gets a float they usually aren't allowed to have detrimental moorings. The applicant has moorings in eel grass beds and wants to expand the float.

Mr. Feener stated he would like to see other reasons beside safety that the float needs to be enlarged.

Public Comment: None

Motion: To continue the project at 5 Aileen Terrace Notice of Intent submitted by John Haley Jr. to enlarge existing floating dock in a coastal resource area. (Map 137, lot 3) to August 1.

1st: Barry Gradwohl

2nd: Charles Anderson

Vote: Approved 6-0

Rob Gulla recused himself

V. Block 2*

A. New- 28-2220-138 Wheeler Street, Notice of Intent submitted by **Damian Dell'Anno**, to remove and replace dwelling in a riverfront resource area. (Map 100, lot 24).

Presenter: John Judd Gateway Consultants

Mr. Judd reviewed the site plan with the commission. The applicant would like to replace the current dwelling for more space. Part of this project is to remove all the impervious asphalt and replace it with pervious pavers. There is a reduction of impervious of 564 square feet and 560 square feet of new native plantings along the riverfront. Mr. Judd read from 1058 CMR Section 3 which outlines the presumptions of the riverfront area. The entire site is lawn, grass areas, and hardscape. With the improvement proposed there will be an improvement in the ground water recharge. There is no impact to flood control, the site is well off the coastal bank for any storm damage, there will not be any impact to the shellfish, no issue with wildlife habitat, and no impact to fisheries.

Commission Comments:

Mr. Phillips asked for the square footage of the existing and new dwelling.

Mr. Judd stated the existing home is 2000 square feet and the proposed is 4300 square feet.

Ms. Press stated to the commission that this is a new foundation.

Mr. Judd read from Section 3 again to the commission. This is not a typical riverfront site. This is a previously disturbed residential lot. This project as outlined in the presumption section; if this project as proposed is going to have an impact to fisheries, to shellfish, to public water supply, then we can't go to the next step until the Alternative Analysis is addressed.

Ms. Press stated that when there is a presumption that these interests do not play a role in the property, it isn't saying you are able to jump ahead if there is no impact on those interests on the project.

Mr. Judd read from Subsection 4 to the board. The question is: The cumulative impact of the proposal as opposed to what is there; is it less or equal? Mr. Judd and the commission agreed to a site walk.

Public Comment: None

Motion: To continue the project at 138 Wheeler Street, Notice of Intent submitted by Damian Dell'Anno, to remove and replace dwelling in a riverfront resource area. (Map 100, lot 24) to August 1.

1st: John Feener

2nd: Barry Gradwohl

Vote: Approved 5-0

Mr. Gulla rejoined the commission

B.New- 28-2219- 35 Niles Pond Road Notice of Intent submitted by Barbara Bjornson to remove and replace dwelling and driveway in the buffer to an inland resource area. (Map 136, lot 36).

Presenter: John Judd, Gateway Consultants

Mr. Judd stated the entire existing driveway will be taken up and reverted back to lawn. The existing building and patio footprint is 2896 square feet; the existing paved driveway is 3065 square feet for a total of 5961 square feet of impervious. The proposed impervious will be 4022 square feet. Erosion control will be in place.

Public Comment: None

Motion: To approve the project at 35 Niles Pond Road submitted by Barbara Bjornson to remove and replace dwelling and driveway in the buffer to an inland resource area. (Map 136, lot 36).

1st: Ann Jo Jackson

2nd: Barry Gradwohl

Vote: Approved 6-0

C. New-28-2221- 84 Causeway Street Notice of Intent submitted by The Trio Building Inc, to replace sewage disposal system in the buffer to a coastal resource area. (Map 233, lot 47, 33).

Presenter: John Judd, Gateway Consultants

Mr. Judd stated this project is for the replacement of a sewage disposal. The Board of Health and DEP have been working on the project for a year because it is in such a sensitive area. The work will be done in November. Erosion control will be a large mulch sock and materials will be trucked off immediately.

Public Comment: None

Conditions:

- **Agent to approve brand and style of siltation before installation**

Motion: to approve the project at 84 Causeway Street submitted by The Trio Building Inc, to replace sewage disposal system in the buffer to a coastal resource area. (Map 233, lot 47, 33).

1st: Ann Jo Jackson

2nd: Charles Anderson

Vote: Approved 6-0

D. New- 16 Cononicus Road, Peter Alcock, requests to amend Order of Conditions #28-1902 to change the structural support on a portion of the dwelling from sonotubes to a poured foundation and to conduct blasting and other changes in the buffer to a riverfront resource area. (Map 231, lot 13).

Presenter: Peter Alcock, 16 Cononicus Road

Mr. Alcock stated that 18 months ago the overall plan was approved by the commission. He stated he would like to move a door, take out the existing porch and move it and blast for a full foundation.

Commission Comment:

It was not clear to the commission as to what the applicant was requesting and suggested continuing the Public Hearing to be able to review the file. The applicant agreed to the continuance.

Public Comment: None

Motion: To continue the project at 16 Cononicus Road, Peter Alcock, requests to amend Order of Conditions #28-1902 to change the structural support on a portion of the dwelling from sonotubes to a poured foundation and to conduct blasting and other changes in the buffer to a riverfront resource area. (Map 231, lot 13) to August 1.

1st: Barry Gradwohl

2nd: Charles Anderson

Vote: Approved 6-0

VI. Block 3*

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

Motion: To continue the projects at 31 Stanwood Ave, 28-2100 33 Stanwood Ave, 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 September 5, 2012.

1st: Ann Jo Jackson

2nd: Charles Anderson

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
28-1870 54 Woodward Ave
28-1645 11 Hillside Rd
16- Periwinkle

Motion: To approve the Certificates of Compliance for 28-1870 54 Woodward Ave

28-1645 11 Hillside Rd & 16 Periwinkle

1st: Ann Jo Jackson

2nd: Barry Gradwohl

Vote: Approved 6-0

C. Requests for Extension Permits

Motion: To Adjourn

1st: Barry Gradwohl

2nd: Ann Jo Jackson

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