

**CITY OF GLOUCESTER  
CONSERVATION COMMISSION MINUTES  
WEDNESDAY September 19, 2012 - 7:00 PM  
CITY HALL, KYROUZ AUDITORIUM  
ROBERT GULLA, CHAIRMAN**

**Members Present:** Robert Gulla- Chair, Barry Gradwohl, John Feener, Charles Anderson, Steve Phillips, Ann Jo Jackson- Co-Chair, **Absent**

**Staff:** Lisa Press- Agent, Pauline Doody- Recording Clerk

**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.

COE12-04 159 East Main St

**Ms. Press** stated the commission has already voted, and needs to sign the paperwork.

**II. PUBLIC COMMENT -**

**Attorney Mike Faherty**

**Attorney Faherty** stated he was representing Mortilaro Lobster Co. He submitted a picture of Pavillion Beach showing what happened to the land formation. At the last meeting he did not have the picture and wanted to make sure each commissioner had a copy. It depicts a city tractor working in the area.

Mr. Gulla closed Public Comment

**III MINUTES REVIEW**

**Motion: To approve the September 5, 2012 minutes**

**1<sup>st</sup>: John Feener**

**2<sup>nd</sup>: Barry Gradwohl**

**Vote: Approved 5-0**

**IV Block 1\***

**A. Continuation- 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: Kirk Young, Wetlands Preservations Inc.**

**Mr. Young** stated in addition to the foundation change, is locating the porch in the front and the change in the location of an existing old cellar door. There is also a request to replace sona tube footings with a full foundation for the extension. The bigger issue is the inconsistency between the architectural drawings. The original engineering drawing predated the architectural drawing. The architects decided the foundation needed to be a new poured foundation and it will require blasting. The blasting will be within the 3 foot band of the crushed stone drip edge around the outside of the foundation. The area will be temporarily impacted and then restored. There is also a waterline being brought in from the street. It is blocked by rock ledge and will need to be blasted as well. There will be one blasted trench. These changes came up during the construction.

**Commission Comments:**

**Ms. Press** stated that the applicant is looking for the work to be done under Redevelopment- Section 5, under riverfront, and a blasting consultant is needed before the hearing is closed.

**Mr. Gulla** stated he is looking at it as a new home in riverfront. The project has been going on a long time and it is very disconcerting at how we got to this point. It is like project creep.

**Mr. Young** stated he was brought in to look at the project with a fresh perspective. There is no basis for a change in the design because of the site. He stated he talked to DEP about the fact that if you change the foundation it is considered new construction. It is post construction condition they are concerned about. The 10% has not been exceeded and the Alternative Analysis can be made through Section 4 or Section 5 of 1058. It is a small enough change that it is controllable.

**Mr. Phillips** stated he had a problem with this as a redevelopment proposal. The first provision of the redevelopment section of the regulations says "at a minimum proposed work shall result in an improvement over existing conditions in the capacity of the riverfront area to protect the interests specified by the statute. How is this an improvement?"

**Mr. Young** stated one improvement is that the house will be connected to city sewer and that there is a 2600 square foot planting bed to offset the impact of the new areas on the site.

**Mr. Phillips** You're argument is that the whole project should be reviewed as a redevelopment project even though that argument wasn't made and that's not the basis that we approved it.

**Mr. Young** stated that is a way to look at it -under point 4 or point 5. The incremental work is the sewer line.

**Mr. Gulla** stated he was not sure the new foundation is necessary and the necessity of blasting. The issue is the way this is being approached.

**Mr. Young** stated we did file a report from Siemesko & Verbigde stating the existing foundation is inadequate.

**Mr. Feener** stated his concern is the area of disturbance. When blasting occurs, tree roots break free and expose them to failure. When an area is disturbed, it needs to be replicated not improved. He stated he would like the application to reflect that the blasting will not affect the vegetation. He stated he would like to see the connection of the ledge blasting area and connection to roots and trees.

**Mr. Young** stated the blasting plan was set up to avoid that issue. He explained the blasting plan to the commission. He also pointed out that the storm water structures are not included in the square footage of disturbance.

**Public Comment: None**

**Mr. Young** stated he is willing to provide any information that the commission needs to move things forward, but if the commission is not comfortable with it, we can throw up our hands and do a filing and deal with DEP and thrash it out there. He stated he does not find it productive to try to change the commission's opinion of how the regulations are defined in a public hearing session. It is a potential waste of time to go through a filing.

**Mr. Gulla** stated there has been an amendment requested using things from the

previous filing as the right to say you are improving the site.

**Mr. Young** stated the design is not changing. The blasting and going from sona tubes to a full foundation is the only change. The structure can't be built on the old foundation.

**Mr. Gradwohl** stated houses are built on sona tubes all the time. You will not have to blast.

**Mr. Young** there is no difference to have it on sona tubes or a full foundation. There will be no impact from blasting and the applicant would like a full foundation.

**Mr. Gulla** asked Mr. Young if he would like the commission to vote this evening or continue the project to the next meeting.

**Mr. Young** stated he would like to reconvene at the next meeting. In the meantime he asked to have a conference call with DEP.

**Mr. Gradwohl** asked Mr. Young when he spoke to DEP- did he tell them about all the changes.

**Mr. Young** stated he kept the conversation very generic. He stated he told them that it was a house in riverfront area- the question is- if it's raised and new foundation is put in- do you have to consider that under the paragraph 4 of the regulations. DEP responded that it was redevelopment. Mr. Young stated he mentioned that there was over-excavation for the blasting and DEP responded that it must be restored in place.

**Mr. Press** stated DEP didn't know this was approved under something else.

**Mr. Young** stated it could have filed under either of the two types of filings. This commission has adopted a program of mitigation for the riverfront area impacts. In this design you approved the 2600 s.f. mitigation area, which falls under paragraph 5 where mitigation is allowed beyond what is already disturbed.

**Ms. Press** stated the question is: "do we allow what he is selling the project under midstream on an application that has been open for 3 years or do we ask for a new filing." There is not a need to get into the history of the project. Is the commission going to allow it under an original proposal that would now need to be backtracked as a redevelopment under the same order or under a new order?

**Mr. Gulla** asked if the amendment was denied the project is still approved.

**Ms. Press** stated that if a new order was issued the other order would have to be closed out.

**Mr. Gulla** stated it is possible to build the structure on the existing foundation. It should not be misunderstood that the full foundation will make or negate the construction of the house. The project can move forward with a different substructure.

**Mr. Young** stated he agreed but from the standpoint of practicality, cost, and reasonability that it does not make sense.

**Ms. Press** stated there is a definition in the DEP regulation of what is allowed - Amend vs New. This is more invasive and more intensive than the original project. It does not fit in the traditional classification of what the commission allows under an amendment. She stated that the history of this project is very complex.

**Mr. Young** stated he will submit a Certificate of Compliance of what has been done and address the other issues with a new filing.

**Ms. Press** suggested not going for the COC and doing the planting before. Leave it open and make the new filing and there will be a condition to close out the other. The mitigation will only have to be for work done. The rest of the mitigation can be used for the new proposal.

**Mr. Young** stated he will withdraw the amendment this evening.

## **B. New- 11 Cedarwood Road Request for Determination submitted by Steven**

LeBlanc, to replace a septic system.

**Presenter: John Bennett, Cape Ann Professional Engineers**

**Mr. Bennett** stated this project was to replace a failed septic with a new alternative system. He explained site and scope of work to the commission. Part of the driveway will be removed and an existing tree stump.

**Public Comment: None**

**Condition:**

- **Silt sock for erosion control**

**Motion: Negative Determination for the project at 11 Cedarwood Road submitted by Steven LeBlanc, to replace a septic system.**

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

**2<sup>nd</sup>: John Feener**

**Vote: Approved 5-0**

**C. Continuation- 28-2223- 222R Atlantic Street, Lelia Noveletsky, to determine the Resource Area Delineation (Map 256, lots 51, 53, 54, 57, 62, 63).**

**Applicant requests continuation to October 3, 2012.**

**Motion: To continue 28-2223- 222R Atlantic Street, Lelia Noveletsky, to determine the Resource Area Delineation (Map 256, lots 51, 53, 54, 57, 62, 63) to October 3, 2012**

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

**2<sup>nd</sup>: Barry Gradwohl**

**Vote: Approved 5-0**

**D. Continuation- 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). Applicant requests continuation to October 3, 2012.**

**Motion: To continue to 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) October 3, 2012.**

**1<sup>st</sup>: John Feener**

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

**Vote: Approved 4-0 with Mr. Gulla abstaining.**

**V. Block 2\***

**A. Continuation- 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 a revised plan has been submitted showing a removed portion of the float that expanded toward the eel grass bed and added a T on the landward side of the float to receive the gangway. It now allows us to put the transition plate on and have

adequate clearance at high tide. The shellfish constable stated there are no concerns about eel grass beneath the float. The shellfish constable's only concern was to keep the mitigations previously presented. Two moorings will be converted from traditional moorings to conservation moorings and monitoring of eel grass beds. The Harbormaster supported the need for the work to be done for safety.

**Commission Comments**

**Mr. Feener** stated one of the concerns of the commission was about setting a precedent of approving a larger float and wanted it to be noted that there was another float approved because of safety concerns.

**Mr. Gulla** asked Ms. Press if there were concerns with the increase of the footprint of this float doing damage to the eel grass beds.

**Ms. Press** stated she did not and it is not over eel grass. There are no boats stored /tied up to the float. There are boats stored on the float. A condition could be added that boats are not allowed to be tied to the float.

**Public Comment: None**

**Conditions:**

- **Boats are not to be tied to the float.**

**Motion: To accept the NOI for 5 Aileen Terrace submitted by John Haley Jr. to enlarge existing floating dock in a coastal resource area. (Map 137, lot 3).**

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

**2<sup>nd</sup>: Barry Gradwohl**

**Vote: Approved 5-0**

**Steve Phillips recused himself**

**B. New- 17 River Road** Annisquam Yacht Club, requests to amend Order of Conditions #28-2170 to install a fire water supply line and to construct a shed in a riverfront resource area. (Map 118, lot 16).

**Presenter: John Judd, Gateway Consultants**

**Mr. Judd** stated the yacht club would like to install a 6 inch fire suppression line that would go into an existing trench. It is for fire prevention. He explained site and scope of work to the commission. The shed is 4x12.

**Commission Comments:**

**Ms. Press** stated that she has received photographs showing tarps have not been used for other work being done on site. She stated that in the future she will ask for a monitoring report.

**Public Comment: None**

**Conditions:**

- **All excavation to be filled at the completion of the work day**

**Motion: To approve the amendment for 17 River Road Annisquam Yacht Club, Order of Conditions #28-2170 to install a fire water supply line and to construct a shed in a riverfront resource area. (Map 118, lot 16).**

**1<sup>st</sup>: John Feener**  
**2<sup>nd</sup>: Charles Anderson**  
**Vote: Approved 4-0**

Mr. Phillips rejoined commission

**C. Continuation-28-2226- 159 East Main Street** Notice of Intent submitted by Arthur Santoro, Americold, to conduct repair and/ or replacement of existing piles in a coastal resource area. (Map 63, lot 26).

**Presenter: Scott Skunick, CLE Engineering**

**Mr. Skunick** stated this project is for the repair of all the piles and structure. The approach of repair will not be know until the one pile, approved under the Emergency Certificate, and has been diagnosed. There is no increase in footprint. This is very heavy loading at this business and piles will not support the structure much longer. The work proposed has little impact to the resource.

**Commission Comments**

**Ms. Press** stated a silt curtain and boom are needed. A weekly monitoring report with photographs from CLE will also be needed.

**Mr. Gulla** stated that once the emergency work is done; please send the information to the agent regarding the scope of work that needs to be done

**Public Comment: None**

**Conditions:**

- **Boom**
- **Silt curtain**
- **Weekly monitoring report with photographs to be submitted to the Agent**

**Motion: To approve the project at 159 East Main Street submitted by Arthur Santoro, Americold, to conduct repair and/ or replacement of existing piles in a coastal resource area. (Map 63, lot 26).**

**1<sup>st</sup>: Steve Phillips**  
**2<sup>nd</sup>: Charles Anderson**  
**Vote: approved 5-0**

**A2. Continuation-28-2228- 1 Rowe Square** Notice of Intent submitted by Arthur Santoro, Americold, to conduct repair and maintenance to the revetment, concrete beam sea wall, bulkhead and to replace piles and capes in a coastal resource area. (Map 11, lot 5).

**Presenter: Scott Skunick, CLE Engineering**

**Mr. Skunick** stated this project includes new pile caps, new piles and new sheet piles. There will be new footprint beneath the existing deck. The landward support is eroding away.

**Public Comment: None**

**Conditions:**

- **Boom**
- **Silt curtain**
- **Weekly monitoring report with photographs to be submitted to the Agent**

**Motion: To approve the project at 1 Rowe Square submitted by Arthur Santoro, Americold, to conduct repair and maintenance to the revetment, concrete beam sea wall, bulkhead and to replace piles and capes in a coastal resource area. (Map 11, lot 5).**

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

**2<sup>nd</sup>: Barry Gradwohl**

**Vote: Approved 5-0**

**D. Continuation-28-2227-9 Horton Street** Notice of Intent submitted by Kenneth & Nancy Bishop, to demolish, re-build and expand dwelling with decks in the buffer to a coastal resource area. (Map 128, lot 25).

**Presenter: Bill Manuell, Wetlands and Land Management**

**Mr. Manuell** stated at the site visit the commission was comfortable with 120 s.f of mitigation. The siltation barrier has been repositioned to tighten up the limit of work. A cross section detail has been added between the road and the house. He stated there is a new detail showing a wall along the street that will be rebuilt. A living fence will be planted along the street line.

**Commission Comments**

**Mr. Gulla** stated he would like to see actual vegetation specified on the plan.

**Ms. Press** stated she will write the conditions and the commission can review them at the next meeting.

**Mr. Feener** stated when a 5-6 foot Evergreens is being specified, there is no need to hold the standard size of 2 1/2 inch caliper trunk width.

**Public Comment: None**

**Motion: To continue the project at 9 Horton Street, Notice of Intent submitted by Kenneth & Nancy Bishop, to demolish, re-build and expand dwelling with decks in the buffer to a coastal resource area. (Map 128, lot 25) to October 3, 2012.**

**1<sup>st</sup>: Barry Gradwohl**

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

**Vote: Approved 5-0**

**VI. Block 3\***

**A. Continuation- 28-2224- 8 & 12 Toronto Avenue** Donald Saunders, to determine the Resource Area Delineation. (Map 135 lots 17 & 32).

**Presenter: Bob Griffin, Griffin Engineering**

**Mr. Griffin** stated this area encompasses 1.6 acres of land and the applicant is establishing the wetland resource. An outside consultant has reviewed the findings and there are no changes in the plan at this point

**Mike DeRosa, Derosa Environmental**

**Mr. DeRosa** stated he has reviewed the wetland resource area and also walked the two

lots that were also part of the application. Griffin Engineering plotted the wetland from the city wetland map. He stated his field determination of the wetlands on the offsite properties is very accurate. There are pockets of sensitive ferns and blueberry. The upland plants dominate and the soil tests show bright upland soil. There is nothing on the properties and the offsite wetland is accurately depicted on the plan.

**Commission Comments:**

**Ms. Press** stated she would like the condition that since Griffin Engineering didn't have access to the property that the applicant does not have a wetland line. Only buffer zone line is confirmed.

**Public Comment: None**

**Motion: To approve the boundaries of Resource Areas located on the properties at 8 & 12 Toronto Avenue but not other areas that are not located on those properties as set forth on the ANRAD plan filed by the applicant.**

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

**2<sup>nd</sup>: John Feener**

**Vote: Approved 5-0**

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

- A. Requests for Letter Permits/Modifications  
28-1754 58 Rocky Neck Ave

**Motion: To continue 28-1754 58 Rocky Neck Ave to October 3, 2012.**

**1<sup>st</sup>: John Feener**

**2<sup>nd</sup>: Barry Gradwohl**

**Vote: Approved 5-0**

28-2123 127 Concord St

**William Leanos**

**Mr. Leanos** explained the modification requests to the commission.

The driveway size has been increased and the septic tanks have been moved to the right side. Rocks and boulders have been added along with vegetation to the back of the property and the area has been leveled. The deck has been cut back. Pillars have been taken out and filled. National Grid took down a tree and a wall has been rebuilt and filled in with loam.

**Mr. Gulla** stated that the driveway looks like it is encroachment into the field. Also the septic leeching field has asphalt on top. He stated that parking over septic tanks is not recommended and he should investigate that design

**Mr. Leanos** stated John Judd saw the site and did not say it was an issue.

**Ms. Press** stated a site walk is needed.

**Mr. Feener** asked for a copy of the letter from National Grid regarding taking down the tree.

The site walk was set for Monday at 9 am.

**Motion: To continue the modification at 127 Concord St to October 3, 2012**

**1<sup>st</sup>: Barry Gradwohl**

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

**Vote: Approved 5-0**

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

- B.** Requests for Certificates of Compliance  
28-2074 9 Kirk Road  
28-7737 Pebble Path  
28-2144 7 Pebble Path  
28-2115 40 Sumner St  
28-1375 31 Norseman Ave  
28-1723 30 Rowley Shore  
28-1603 9 Fenley Road

**Motion: To approve 28-2074 9 Kirk Road, 28-7737 Pebble Path, 28-2144 7 Pebble Path, 28-2115 40 Sumner St, 28-1375 31 Norseman Ave, 28-1723 30 Rowley Shore, 28-1603 9 Fenley Road**

**1<sup>st</sup>: John Feener**

**2<sup>nd</sup>: Barry Gradwohl**

**Vote: Approved 5-0**

**Motion: To Adjourn**

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

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

**Vote: Approved 5-0**

- C.** Requests for Extension Permits

**\*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](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**