

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

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

4 Eastern Point Road

Motion: Continuation of Eastern Point Road to December 5, 2012

1st: Charles Anderson

2nd: Barry Gradwohl

Vote: Approved 5-0

II. PUBLIC COMMENT - None

III MINUTES REVIEW

IV Block 1*

A. 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 December 7, 2012.**

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 December 5, 2012

1st: John Feener

2nd: Barry Gradwohl

Vote: Approved 4-0. Rob Gulla recused himself

B. Continuation- 28-2233- 27 Wingersheek Road, Notice of Intent submitted by George Adam, to construct a garage and ground level and elevated walkways in coastal resource areas (Map 257, lot 1).

Motion: To continue the project at 27 Wingersheek Road, Notice of Intent submitted by George Adam, to construct a garage and ground level and elevated walkways in coastal resource areas (Map 257, lot) to December 5, 2012.

1st: Charles Anderson

2nd: Barry Gradwohl

Vote: Approved 5-0

C. New- 1133 Washington Street, Request for Determination submitted by Craig & Kathy Chaney, to construct a 2 car garage. (143 lot 14)

Presenter: Randy Burley 5 Lattoff Farm Circle, Rockport

Mr. Burley stated the applicant would like to construct a garage. The driveway passes through the property to a garage on a separate property. The lot line had been changed 6 years ago so the existing garage goes with the other property. Mr. Chaney would like to have his own garage. The garage will be close to the lot line. There will need to be zoning board relief, but there is no need for a drainage plan. There is a 143 square feet of increased impervious. It will be surrounded with snow fencing, and a silt sock will be installed to protect the non construction side. There will be 300 square feet of plantings.

Commission Comments

Ms. Press stated there are no issues.

Public Comment: None

Mr. Feener stated the snow fence should be around the mulched area of the tree not just the tree itself.

Motion: Negative Determination for 1133 Washington Street, submitted by Craig & Kathy Chaney, to construct a 2 car garage. (143 lot 14)

1st: Charles Anderson

2nd: Barry Gradwohl

Vote: Approved 5-0

D. New- 7 Hills Road, Notice of Intent submitted by Jeffrey & Linda Stockman to remove, replace and expand a garage and repair a dock in riverfront resource areas (Map 99, lot 4).

Presenter: Linda Stockman, 7 Hills Road

Ms. Stockman stated that there is an existing garage that needs replacement because of termites and deterioration. An additional 5 feet will be added to the structure. The dock is being replaced because it is starting to rot. It will be built in the same area.

Commission Comments:

Ms. Press stated Dirt Murray is doing the work and there are no issues.

Public Comment: None

Conditions:

- **No pressure treated wood to be used on dock. Dock will be made of historically accepted material by commission.**

Motion: To approve the project at 7 Hills Road, submitted by Jeffrey & Linda Stockman to remove, replace and expand a garage and repair a dock in riverfront resource areas (Map 99, lot 4).

1st: John Feener

2nd: Barry Gradwohl

Vote: Approved 5-0

V. Block 2*

A. New- 43 Ye Olde County Road, Request for Determination submitted by Reaney

McGilvary, to install a septic holding tank. (Map 232 lot 13)

Presenter: John Judd, Gateway Consultants

Mr. Judd stated this is to replace a failed system on the property. The site is filled with ledge so there is not a lot of room on the site for the tank. Erosion control will be on site and there is an exiting fence for an additional barrier. Erosion control will be in place and there is a fence for additional barrier. The work will be done in 1-2 days.

Commission Comments:

Ms. Press stated that septic work is exempt is from having to provide an Alternative Analysis.

Mr. Feener stated he would like to see a designated path for the excavator to stay on to protect the resource.

Public Comment: None

Conditions:

- **Marking of machine path prior to construction**

Motion: Negative Determination for the project at 43 Ye Olde County Road, submitted by Reaney McGilvary, to install a septic holding tank. (Map 232 lot 13)

1st: John Feener

2nd: Barry Gradwohl

Vote: Approved 5-0

B. New- 28-2234- 36 Thurston Point Road, Notice of Intent submitted by Frank & Alison Quirk, to conduct extensive renovation to dwelling, install addition, decks and drainage in riverfront resource areas (Map 98, lot 61).

Presenter: John Judd, Gateway Consultants

Mr. Judd stated the property is on the Annisquam River. It is an existing dwelling to be remodeled with 81 square foot addition to go over a concrete walkway. The applicants would also like to construct a deck over a brick patio. There is a drain that comes into the driveway and toward the house. The existing catch basins are not capable of handling the runoff. The applicants would like to replace the existing pipe and two catch basins.

Commission Comments:

Ms. Press stated she would like to see the pipe cut back and a rain garden installed to take up some of the water.

Mr. Feener stated it be a vegetated bio-retention area

Mr. Judd stated he would submit a new plan with the rain-garden/vegetated bio-retention area.

Ms. Press stated the Order will not be issued until the plan is submitted.

Public Comment: None

Conditions:

- **Revised plan including Vegetated bio-retention area.**

Motion: To approved the project at 36 Thurston Point Road submitted by Frank & Alison Quirk, to conduct extensive renovation to dwelling, install addition, decks and drainage in riverfront resource areas (Map 98, lot 61).

1st: Barry Gradwohl

2nd: Charles Anderson

Vote: Approved 5-0

Mr. Feener recused himself

C. New- 1 Wingersheek Road Notice of Intent submitted by William Tracia, Ocean Properties LLC, to construct a dwelling with associated utilities, grading and septic in coastal and dune resource areas (Map 257, lot 8).

Presenter: Bill Manuell, Wetlands and Land management

Mr. Manuell stated the submitted plan is similar to one that was already approved in 2008. The driveway comes in to the property as it did in the original plan. The house shape is the same except it adds 77 square feet and that the house has been flipped from the original plan. The garage has been brought more into the lot giving more area to turn around. This proposal has 21,000 square feet of site alteration. There is a wetland replication plan as previously approved and a monitoring schedule submitted.

Commission Comments:

Mr. Gradwohl asked about the diseased trees on site and what was being done to control the disease from spreading.

Mr. Manuell stated that the diseased trees are on the lower end of the site and the same protocols will be in place as was submitted in the previous application. An arborist will oversee the management of the trees. Beach grass will be planted in the disturbed areas.

Mr. Gulla asked to see the originally approved plan. Mr. Manuel reviewed the original plan with the commission.

Ms. Press stated she would like a separate application for the continued maintenance of the trees to make sure the disease doesn't spread.

Mr. Gulla asked Mr. Manuell to submit a plan showing what will be managed and how.

Ms. Press asked why it is best to manage the beetle issue during construction.

Mr. Manuell stated that when trees and vegetation are taken down the fresh wood becomes a host to the beetle. He stated snow fencing will be installed to contain the limit of work.

Public Comment: None

Motion: To continue the project at 1 Wingersheek Road Notice of Intent submitted by William Tracia, Ocean Properties LLC, to construct a dwelling with associated utilities, grading and septic in coastal and dune resource areas (Map 257, lot 8) to December 5, 2012 for review of conditions.

1st: Barry Gradwohl

2nd: Charles Anderson

Vote: Approved 4-0

D. New- 16 Cononicus Road Notice of Intent submitted by Peter Alcock, to demolish and construct a dwelling on a new foundation with associated utilities, in riverfront

resource areas (Map 152, lot 27).

Presenter: Kirk Young, Wetland Preservations Inc.

Mr. Young stated this filing is for modifications to the approval previously issued for the project under DEP file # 28-1902. This filing is restricted under the state wetlands regulations not the local by-law. We will be filing under the local by law separately to do work on the site.

Mr. Gulla asked why it is being approached that way.

Mr. Young stated to avoid legal costs. If it got appealed under the local by law would be the issue. There was confusion regarding how riverfront regulations are handled. The input received from DEP was that it's a redevelopment project.

Ms. Press stated there is no difference of the performance standards under riverfront in the local ordinance as opposed to the State. He feels if he gets the state permit then he can turn around and ask for the local permit without going to superior court and the state simultaneously. If this is denied, he will go to the state.

Mr. Young stated that the architects determined that the existing foundation cannot handle the new house and that a new foundation is needed. Blasting is required for the new foundation and for a trench that the utilities run through. The blasting plan has been submitted. It was a previously approved plan with minor changes. The porch was shifted down, a garage opening was moved, and the kitchen addition foundation was to be on sona tubes and now it will be on the full foundation. Mr. Young explained the revised submitted planting plan to the commission.

Ms. Press stated she has received a check for Andy McCowen to review the blasting plan.

Commission Comments:

Mr. Gulla asked the commission if they think that this is redevelopment and does not need an alternative analysis.

Mr. Feener and Mr. Gradwohl stated they felt it was redevelopment project.

Ms. Press stated the project entails redoing existing foundation of an existing house, with a bump-out with a small amount of new foundation. Redevelopment would be an existing foundation being redone. You can have them separate it and have an Alternative Analysis for the bump out and give them redevelopment for the existing foundation.

Mr. Young stated section 5 of the rebuild regulations is that they provide for an opportunity to do what was previously approved as mitigation for any new work. That falls within the 10% rule. There is 2600 square feet of mitigation incorporated in the design.

Ms. Press stated it has to be an improvement

Mr. Young stated the improvements for the site would be with the new sewer system, and the mitigation.

Mr. Gulla asked the commission again if they feel it is a redevelopment or if an Alternative Analysis is needed for the whole project or part of it.

Mr. Phillips stated that including the deterioration of a of structure as improvement doesn't work is because the statute is clear saying "at a minimum, proposed work shows result in an improvement of existing conditions of the capacity of the riverfront area to protect the interests identified in this statute. Looking at paragraph 5 versus paragraph 4, it says you do not have to do an alternative analysis but there must be an improvement. The applicant's argument is that there is an improvement because of the

new sewer system and that looks to avoid the entirety of the project.

Mr. Feener stated that as a commission we have always asked for an Alternative Analysis and should ask for one for the bump out and the rest would be looked at as redevelopment. Mr. Gradwohl & Mr. Anderson concurred.

Mr. Phillips stated the bump out is small and is not troubled by the absence of an Alternative Analysis. What is more troubling is the project as a whole, and if it constitutes an improvement of the existing conditions. This is the question this commission has to address since the applicant is asking us to look at this as a redevelopment project. Does it meet the standards?

Ms. Press asked how much of the mitigation was for the garage?

Mr. Young stated he did not know exactly but it is under the 10. He stated maybe the commission should go ahead and deny it so we can move forward.

Ms. Press suggested to Mr. Kirk to prove that this is an improvement is to subtract the garage mitigation and come back with a planting plan for that area. He has to prove that he is creating improvement of the site. The sewer is a requirement and doesn't count as improvement.

Public Comment: None

Motion: To continue the project at 16 Cononicus Road Notice of Intent submitted by Peter Alcock, to demolish and construct a dwelling on a new foundation with associated utilities, in riverfront resource areas (Map 152, lot 27) to December 5, 2012

1st: John Feener

2nd: Barry Gradwohl

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

28-1248 69 Bond St
28-2098 8 Drumhack Rd
28-2205 3 Planters Neck
28-2134 21 Ferry Hill rd
28-2121 52 Shore Rd
28-1602 52 Shore Rd
28-2073 114 Eastern Point Blvd
28-2175 81 Rocky Neck Ave

Motion: To approve the Certificates of Compliance for 28-1248 69 Bond St, 28-2098 8 Drumhack Rd, 28-2205 3 Planters Neck, 28-2134 21 Ferry Hill Rd, 28-2121 52 Shore Rd, 28-1602 52 Shore Rd, 28-2073 114 Eastern Point Blvd, 28-2175 81 Rocky Neck Ave

1st: Charles Anderson

2nd: Steve Phillips

Vote: Approved 5-0

C. Requests for Extension Permits

Motion: To adjourn

1st: Steve Phillips

2nd: Charles Anderson

Vote: Approved 5-0

***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