

**CITY OF GLOUCESTER  
CONSERVATION COMMISSION MINUTES  
WEDNESDAY January 2, 2013 - 7:00 PM**

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

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

**132 1/2 Wheeler Street**

**Ms. Press** stated there were no issues.

**1<sup>st</sup>:** Charles Anderson

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

**Vote:** Approved 6-0

**II. PUBLIC COMMENT - None**

**III MINUTES REVIEW- Tabled until the next meeting.**

**IV Block 1\***

**A. New- 68R Poplar Street** Notice of Intent submitted by Gloucester Housing Authority, to replace paved parking area, walkways, berm, install handicap ramps and other site work in the buffer to n inland resource area. (Map 106, lot 25).

**Presenter: David Holden, Gloucester Housing Authority**

**Mike Carter, GCG Associates, Wilmington MA.**

**Mr. Carter** informed the board this project is to repave the road, walkways, add parking, and to reconstruct the existing cul-de-sac. To offset runoff and the additional pavement, a catch basin with a storm sceptor will be added and connected to an existing catch basin. There is no net increase in volume..

**Commission Comments:**

**Ms. Press** informed the board that she would like to meet with Paul Keene regarding the storm water before a decision made.

**Mr. Feener** stated that plantings should be near the resource.

**Mr. Gulla** asked Mr. Carter to have the type & plan for the plantings to be used documented for the next meeting.

**Public Comment: None**

**Motion: To continue the project at 68R Poplar Street Notice of Intent submitted by Gloucester Housing Authority, to replace paved parking area, walkways, berm, install handicap ramps and other site work in the buffer to n inland resource area. (Map 106, lot 25) to January 16, 2013.**

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

**2<sup>nd</sup>:** Ann Jo Jackson

**Vote:** Approved 6 -0

**B. New- 25 Norwood Heights** Frederick & Mary Jane Fortmiller, to construct an addition in the buffer to inland resource areas. (Map 181, lot 17).

**Presenter: Rich Kirby LEC Environmental, 107 Audubon Road, Wakefield, MA.**

**Mr. Kirby** explained to the commission that this is a 1680 s.f. addition with an expanded gravel parking area. The addition will be constructed at grade and will have a slab. Storm water runoff will be directed to a retention basin. The drainage design has been approved. There will be 3830 s. f of mitigation. The existing lawn and landscape will be native gardens. There will be a 600s.f. pervious paver patio. The drainage report does not address it. The mitigation math excludes the terrace. The retention basin will be re-vegetated.

**Commission Comments:**

**Ms. Press** stated that there isn't room for 2-1 on the site.

**Mr. Feener** asked if there will be a green roof and asked for a written narrative for the management of the invasives on the site.

**Mr. Kirby** stated it was being looked into at this point in the project. The green roof was not included in the mitigation table. Invasive removal will be done by hand in spring and fall.

**Public Comment:**

**John Harrington 19 Norwood Heights**

**Mr. Harrington** stated he has had limited time to review the plans. His concerns included the affects on the pond, wetlands and wildlife. The size and depth of the pond has been reduced over the years and may be a vernal pond. He asked the commission for a continuance until a study could be made on the site to determine the impacts to the pond & the surroundings and for a vernal pool analysis to be done. The water table information collected for this plan was collected during low water tables and not high water tables. A more thorough drainage plan for lot B may be necessary to mitigate water damage caused by this development. Mr. Harrington's letter is on file at the Conservation Office, 3 Pond Road.

**Mr. Kirby** informed the commission that a vernal pool analysis was done and Natural Heritage confirmed it was not a vernal pond.

**Brian Tim, Meridian Associates, 500 Cummings Center, Beverly**

**Mr. Tim** spoke about the design of the retention basin and the soil testing. The soil testing was done in May 2012. It was observed, estimated seasonal high ground water elevations- 9inches in one test pit and 38inches in another. Those were found in a sandy soil. Ground water is consistent to be elevation 22. It is consistent with the edge of the wetlands. The design took into the affect where seasonal high monitoring occurs. The retention basin is for increase in impervious surface. The water flowing onto the site is not changing. Mitigating any increases for any rate and/or volume of runoff flowing from the site under existing conditions to proposed conditions as it flows into the wetlands as it does today. The magnitude or direction of the storm water runoff is not being changes.

**Mr. Gulla** suggested a site visit.

**Mr. Harrington** stated he did not think that the addition was going to be so large and so close to the pond. The water will be pushed into the adjoining yards and the swale will not be able to handle it.

**Mr. Phillips** stated his support of the continuance to provide the abutters an opportunity for additional research.

The site visit was scheduled for Saturday 9:00a.m.

**Motion: To continue the project at 25 Norwood Heights Frederick & Mary Jane Fortmiller, to construct an addition in the buffer to inland resource areas (Map 181, lot 17) to January 16, 2013.**

**1<sup>st</sup>: Ann Jo Jackson**

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

**Vote: Approved 6-0**

Ms. Jackson recused herself.

**C. New- 34 Beach Road Bass Rocks Golf Club**, to conduct drainage improvements and stormwater management and cart path relocation in the buffer to an inland resource area. (Maps 72, 73, lots 20, 7, 2 & 1).

**Presenter: Mary Rimmer, Rimmer Consulting**

**Ms. Rimmer** informed the commission that a DEP number has not been issued yet. This project is for drainage improvements on the 5 & 6 holes. The existing drainage is antiquated. To capture more of the runoff in the wetland systems, new wetlands will be created to provide flood storage. There will be 3000 s.f. of temporary impacts on the site to do the work, but 5000 s.f. of wetlands will be created. It will reduce the amount of fertilizer and seed that is needed every year to repair damaged areas.

**Dan Armstrong, Strong Civil Design, 53 Peach St, Braintree MA.**

**Mr. Armstrong** informed the commission that he observed that water was coming from offsite through the property and ponding. The design will stream the water through a natural drainage path. A lot of the existing pipes are clogged. Improvements will hold back the runoff, new piping will be maintenance, friendly reduce clogging, and can handle up to a 25 year storm event. The water will infiltrate over a larger area.

**Commission Comments:**

**Mr. Gulla** informed Rimmer Associates that the commission would like a third party engineer to review of the project. Ms. Press will send out three RFP's for estimates and one firm will be chosen by the commission.

**Public Comment:**

**Peter Bershad, Ocean View Inn**

**Mr. Bershad** stated concern that the water will be dumped into his property. There are clogged openings under the road that the city has not taken care of. This project has to be done right.

**Mr. Gulla** stated the wetlands need to be managed correctly and the drainage will be done properly. The commission has requested a third party reviewer to ensure the work is done correctly. He suggested to Mr. Bershad that he email Ms. Press with his concerns and they will be forwarded to the selected third party reviewer.

**Charles Esdaile, 68 High Popples Road.**

**Mr. Esdaile** stated his property contains part of the wetland. As a component of the third party review be an analysis of the wetland that borders the impacted area; the wetlands that surrounds the 6<sup>th</sup> tee and the 5<sup>th</sup> green.

**Nicolette Vanstigt, 4 Eagle Road**

**Ms. Vanstigt** stated she is an abutter for the 5<sup>th</sup> hole and 6<sup>th</sup> green. The land is low lying and it seems that the water will gravitate toward my property.

**Motion: To continue the project at 34 Beach Road Bass Rocks Golf Club, to conduct drainage improvements and stormwater management and cart path relocation in the buffer to an inland resource area. (Maps 72, 73, lots 20, 7, 2 & 1) to February 6, 2013.**

**1<sup>st</sup>: John Feener**  
**2<sup>nd</sup>: Barry Gradwohl**  
**Vote: approved 5-0**

Ms. Jackson rejoined the commission.

Mr. Gulla recused himself.

**D. 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).

**Presenter: John Judd, Gateway Consultants**

**Mr. Judd** stated that this is a reconstruction in riverfront area. The project has been re-notified and re-advertised. Changes have been implemented; there is 4150 s.f of impervious and a pervious aqua paver driveway. The aqua paver system is to allow for infiltration. There is a 900 s.f. reduction in impervious. Paul Keene has approved the project. The current design is 17 feet closer to the riverfront area. The area was filled prior to the riverfront act. Flood zone is at elevation 10.

**Ms. Press** asked where the project stacks to the 10% rule.

**Mr. Judd** stated the existing dwelling footprint is 2000 s.f., the existing paved areas are 2500 s.f. and 27s.f., stone patio is 288 s.f., total impervious 4817 s.f. The proposed footprint of the dwelling is 3900 s.f., the deck is impervious. The entire site is disturbed. There is no natural vegetation. Proposing plantings and removal of asphalt is part of the mitigation. There is additional landscaping of 560 s.f. The project is improving the riverfront area.

#### **Commission Comments:**

**Ms. Jackson** asked what is the total impervious surface that is added beyond the current footprint of the house towards the river?.

**Ms. Press** stated that the project may not come under the 5000/ 10%. Counting the new patio & decks, new addition, and the new driveway area, what is the square footage? What is disturbed?

**Mr. Judd** stated the driveway including the brick pavers is 1984 s.f. , deck 470 s.f., footprint 3900 s.f. The existing dwelling is 2000 s.f. the difference in the existing and proposed is 1900 s.f.

**Ms. Press** stated it is over 5000, but over 10%.

**Ms. Jackson** stated that Alternative Analysis is needed to address how each of the interests in the act are not impacted.

**Mr. Judd** stated the interest of the act in terms of values and riverfront has been addressed in terms of water supply.

**Mr. Phillips** stated that Mr. Judds argument was because the absent of impact he had rebutted the presumption of significance and didn't need to go through the alternatives act portion of paragraph 4 of 1058. it was concluded that Mr. Judd had not abutted the presumption of significance, so it was to move towards an Alternative Analysis, proceeding under paragraph 4. The discussion should not include impact analysis at his time. Mr. Phillips read from the regulations to the commission. The alternative selected should be the one that puts the project as far from the river as possible.

**Mr. Judd** stated that in July 2012 when the project was presented, the interest of the act, specifically the water supply, flood control, storm damage, pollution control, shellfish, wildlife & fisheries protection were not adversely impacted. The commission was not comfortable with the design and asked for modifications. Some points:

between the existing stone patio and the closest point to the river is 66 lineal feet. The turret is 58 lineal feet to mean high water. Mr. Judd read from CMR 1058 subsection 5 and believes the design improve the existing conditions This board can approve this project if the overall riverfront area is improved under redevelopment subsection 5.

**Ms. Jackson** stated that it seemed contrary to the interest of the rivers protection act to impervious surface from the back of the lot and move it closer to the river.

**Mr. Judd** argued the cumulative is improved.

**Mr. Phillips** asked if Mr. Judd would like the commission to consider the project under paragraph 4 or 5.

**Mr. Judd** stated that paragraph 5 reads notwithstanding subsection 4. The alternative analysis has been part of this project, it has been enhanced. It qualifies as a redevelopment, but the Alternative Analysis cannot be overlooked.

**Mr. Phillips** stated that paragraph 5 gets will not require an Alternative Analysis. To proceed under paragraph 5, the commission must conclude it is a redevelopment and it is an improvement over existing conditions. Mr. Phillips read from paragraph 5 and stated he had serious reservations. He asked Mr. Judd how the project complies with F&G of paragraph 5.

**Mr. Judd** stated the site was filled many years ago and is a disturbed site. The question is; if it is no closer than existing conditions- existing conations is not defined. What is it referring to exactly? It is not clear.

**Mr. Phillips** read from paragraph D; proposed work including expansion of existing structure shall be located outside the riverfront area or toward the riverfront area boundary and away from the river, except in accordance with For G.

**Mr. Judd** stated this is a residential area. The act allows improvement of the site.

**Ms. Jackson** it can be done but the regulations prohibits moving toward the river.

**Mr. Judd** stated it is 7 feet. If the design was to go no closer than the closet point of the structure- is that something we can start with. The project is under redevelopment. The commission reviewed and discussed the criteria for redevelopment with discussion on enhancing landscaping.

**Ms. Press** stated the commission needs to be consistent with past rulings, which is the building.

**Mr. Judd** asked for a continuance to consider the items discussed.

**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 February 20, 2013.**

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

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

**Vote: Approved 5-0**

Mr. Gulla rejoined the commission.

**V. Block 2\***

**A. Continuation-28-2244- 21 Rocky Neck Avenue** Notice of Intent submitted by John LeVie, to repair a 75' retaining wall in a coastal resource area. (Map 130 lot 9).

**Motion: To continue the project at 21 Rocky Neck Avenue Notice of Intent submitted by John LeVie, to repair a 75' retaining wall in a coastal resource area.**

(Map 130 lot 9) to January 16, 2013.

1<sup>st</sup>: Ann Jo Jackson

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

Vote: Approved 6-0

**B. Continuation-28-2246-19 Norseman Ave** Notice of Intent submitted by Craig Cervo, to replace a deck and to construct an addition on a foundation and a deck in buffer to a coastal resource area. (Map 144 lots 43, 87).

**Presenter: Craig Cervo, 19 Norseman Ave**

**Mr. Cervo** informed the commission that his consultants were not able to attend this evening's meeting.

**Public Comment: None**

**Motion: To continue the project at 19 Norseman Ave Notice of Intent submitted by Craig Cervo, to replace a deck and to construct an addition on a foundation and a deck in buffer to a coastal resource area. (Map 144 lots 43, 87) to January 16, 2013.**

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

2<sup>nd</sup>: Ann Jo Jackson

Vote: Approved 6-0

#### **VI. Block 3\***

**A. 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 1) to February 6, 2013.

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

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

Vote: Approved 6-0

**B. Continuation- 28-2232- 47 Commercial Street** Notice of Intent submitted by Sheree DeLorenzo, Beauport Gloucester LLC, to construct a hotel with associated utilities and parking in a coastal resource area. (Map 1 lot 33).

**Motion: To continue the project at 47 Commercial Street Notice of Intent submitted by Sheree DeLorenzo, Beauport Gloucester LLC, to construct a hotel with associated utilities and parking in a coastal resource area. (Map 1 lot 33) to January 16, 2013.**

1<sup>st</sup>: Ann Jo Jackson

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

Vote: Approved 6-0

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

A. Requests for Letter Permits/Modifications

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

Sign EO 284 Atlantic Road

**\*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**