

CITY OF GLOUCESTER

CONSERVATION COMMISSION MEETING MINUTES

WEDNESDAY January 16, 2013 - 7:00 PM

CITY HALL, KYROUZ AUDITORIUM

ROBERT GULLA, CHAIRMAN

Members Present: Robert Gulla, Chair, Charles Anderson, Barry Gradwohl, John Feener, Steve Phillips, Robert Sherman, 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.

EO 284 Atlantic Road- Ratify enforcement order

COE 13-1 oil spill

Ms. Press stated a boat called the Offspray hit 10 lb island and oil washed up on Sumac Lane and Rocky Neck and clean up has been started. DEP guidelines are being followed.

Motion: To approve the Certificate of Emergency for Oil Spill

1st: Barry Gradwohl

2nd: Charles Anderson

Vote: Approved 6-0

28-2150 Duplicate order

II. PUBLIC COMMENT - None

III MINUTES REVIEW

Minutes review for December 5 and December 19.,

Mr. Feener noted a correction to be made on the December 19 minutes to read " add ground cover in addition to the applicants proposal."

Motion: Approval of the minutes for December 5 and December 19, 2012.

1st; Barry Gradwohl

2nd; Charles Anderson

Vote: Approved 6-0

IV Block 1*

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).

Presenter: John LeVie, 49 Parker St.

Ms. Press stated the Department of Marine Fisheries sent a letter and asked why the need for tarps and why the pier and floats have not been permitted from 4-5 years ago. They had no issues with the wall as long as all work is done from upland down

Mr. LeVie explained that the tarps are for the soils that will be removed to contain and stabilize, and cover so there will not be any silt moving.

Commission Comments:

Mr. Feener stated concerns that if they are put on a downward grade, water could come from underneath and wash it out from under. He asked for the erosion control to be on the top of the tarp.

The commission discussed the pressure treated wood being used and was comfortable with it being used because of the industrialized area that the project is in.

Pubic Comment: None

Conditions:

- **Erosion control to be placed on top of tarp**

Motion: To approve the project at 21 Rocky Neck Avenue submitted by John LeVie, to repair a 75' retaining wall in a coastal resource area. (Map 130 lot 9).

1st: Barry Gradwohl

2nd: John Feener

Mr. Feener asked it to be noted that the commission is going against it normal policy because of the area is not prolific for shellfish or any other marine animals and that the pressure treated used is only subject to high water.

Vote: Approved 6-0

B. Continuation-28-2245- 25,27,31,31A Rocky Neck Avenue Notice of Intent submitted by Paul Butman, 2531 RNA Realty Trust to expand marina, install 13 piles and 2700 square feet of floats in a coastal resource area. (Map 130 lots 5, 6, 7, and 8).

Presenter: Michael Faherty

Attorney Faherty stated that the commission asked how DEP was handling how some of the floats extend onto his water [sheet and the others are on the other water sheet?](#) When an order of conditions is registered there will be a marginal notation and there will be two chains of title. There are no issues with the Waterways Board or Dave Sargent. In the application it has been assumed that the work will involve rock socketed piles. Preferably the work will be done with a small rig and pressure piles. The rock socketed method is only if the depth cannot be reached with the small rig and pressure piles. He explained the process of how the work will be done. He stated that very little fines and sediment will escape into the water. It is contained within the chamber. The work is done from a barge.

Commission Comments:

Mr. Feener asked for the NOI to be amended to specifically state that the pressure pile method will be tried first and rock socketed method second.

Pubic Comment: None

Conditions:

- **Amended NOI specifically stating work methods**

Motion: To approve the project at 25,27,31,31A Rocky Neck Avenue submitted by Paul Butman, 2531 RNA Realty Trust to expand marina, install 13 piles and 2700 square feet of floats in a coastal resource area. (Map 130 lots 5, 6, 7, and 8).

1st: Barry Gradwohl

2nd: Charles Anderson

Vote: approved 6-0

C. New -28-2250-101A Wingersheek Road Notice of Intent submitted by Joel Favazza, to replace the second story of a dwelling in a coastal resource area. (Map 261, lot 28).

Presenter: Joel Favazza, 111 Main St Suite A

Mr. Favazza stated this project is to replace the second story of home within the existing footprint. All demolition waste materials will be placed in the driveway, in garage, and dumpster. Demolition will be done by hand. There will be no impact to the barrier beach.

Commission Comments:

Mr. Gulla stated a site management needs to be in place and monitoring every two weeks with pictures emailed to the agent.

Ms. Press requested a snow fence be placed around the limit of work and the dumpster to be covered.

Mr. Feener requested that snow-fencing be placed on the sides of the home for any work that may need to use those areas. Place signs for workers so there is no question where the limit of work is.

Pubic Comment: None

Conditions:

- **Snow fencing around limit of work**
- **Signs to be posted along sides of house to notify workers where the limit of work is**
- **Dumpster to be covered**
- **Monitoring every two weeks with pictures emailed to agent**
- **Magnet sweep**

Motion: To approve the project at 101A Wingersheek Road submitted by Joel Favazza, to replace the second story of a dwelling in a coastal resource area. (Map 261, lot 28).

1st: John Feener

2nd: Barry Gradwohl

Vote: Approved 6-0

D. New-28-2249- 259 Concord Street Notice of Intent submitted by Peter & Kimberly Radochia, to remove replace and expand dwelling, and workshop buildings, and a dock and walkway in riverfront and ACEC resource areas. (Map 252, lot 30).

Presenter: Tom Hughes, Hughes Environmental, 44 Merrimack St, Newburyport, MA

Mr. Hughes stated the applicants would like to repair the dock and walkway immediately, but would like to live in the house for awhile before they design the home. He stated they are seeking approval for the project in two phases: One for the dock and one for house when they are ready to build. The second would be a conditional approval

The marsh is in ACEC and the existing dock has a Chapter 91 license. The dock will be replaced and the walkway will be replaced with true flow decking; 40-60% light will pass through and it will be raised up 3 feet. Phase two of the project is the house and

workshop; all existing impervious will be removed. If a maximum square footage of house and workshop is built, it will still be most likely less than what is there now. It is a 590 square foot reduction in impervious; Reduction in riverfront will drop from 255 to 143. The structure that is currently in the 100 foot wetland buffer associated with the intermittent stream will reduce from 130 to 117. Those numbers are only if the house is as big as it is now and placed in the corner where the riverfront buffer is. The applicant is not planning on doing that. It is likely the house will be out of the buffer. The house as it is now will be used for permitting. At the maximum, the total structure footprint would be from 2595 which includes the workshop, house, garage to 4200 square feet. The total pavement and concrete would go from 2196 to 0. It is trading pavement for structure. The shape of the building envelope ensures that the impacts will be less. The applicant can commit to anything to be built within the square footage limits. It will be the performance standard because it will have less of an impact.

Commission Comments:

Mr. Feener asked how removing the bituminous on flat level ground benefiting the water shed.

Pete Radochia, 32 Everett St. Beverly

Mr. Radochia stated the pavement is not flat and explained the grade to the commissioners.

Mr. Hughes explained the resource area to the commissioners. The proposal is to reduce the structure within wetland. When adding up current impervious, the house and workshop, the proposal will be less than that number.

Mr. Gulla stated the commission cannot approve an area. The plan must be specific.

Mr. Hughes stated approving an area frees the architect to know the limits of design. When a final plan is approved, the house has to be built within the limits of the area.

Ms. Press stated the pier is in ACEC and it is grandfathered. The house could be approved but would have to be amended with the details.

Mr. Feener asked if Chapter 91 allows dock size to be increased.

Mr. Hughes stated permanent structure is above mean high water. The only things that need Chapter 91 approval are the ramps and floats. He stated the applicants are committed to building the dock and float without pressure treated wood. The applicants are also requesting the approval to remove invasives by hand.

Pubic Comment: None

A site visit was schedule for January 26 at 8:30am.

Mr. Feener recused himself for the rest of the meeting.

Motion: To continue the project at 259 Concord Street Notice of Intent submitted by Peter & Kimberly Radochia, to remove replace and expand dwelling, and workshop buildings, and a dock and walkway in riverfront and ACEC resource areas. (Map 252, lot 30) to February 6, 2013.

1st: Charles Anderson

2nd: Barry Gradwohl

Vote: Approved 5-0

V. Block 2*

A. New- 28-2248-10 Quarry Street, Notice of Intent submitted by Ted Reed, for after the fact construction of stone walls and patios and to install landscaping in buffer to inland resource areas. (Map 138, lot 1).

Presenter: Bill Manuell, Wetlands and Land Management

Mr. Manuell stated this is an after the fact NOI. The work is ongoing now. It is 75% complete. It entails handcrafted granite walls and stairs, mostly within the same footprint. The stockpile was moved to the road and additional erosion controls were added. In the spring the disturbed areas will be reseeded, plantings will be native. There is a reduction of lawn and hardscape is 400 square feet.

Motion: To approve the project at 10 Quarry Street, submitted by Ted Reed, for after the fact construction of stone walls and patios and to install landscaping in buffer to inland resource areas. (Map 138, lot 1).

1st: Barry Gradwohl

2nd: Charles Anderson

Vote: Approved 5-0

B. Amend- 28-2206-2 Norrock Road, Timothy & Liane French, to amend Order of Conditions, to conduct blasting in the buffer to an inland resource area. (Map 182, lot 7).

Presenter: Tim French, 22 River Road

Mr. French stated the contractor determined blasting is necessary. The area of primary blast is a crawl space. A plan has been submitted. McCowan Associates reviewed the blasting and it will not adversely affect the wetland.

Pubic Comment:

Mary Louise Guiliano, 11 Norwood Heights.

Ms Guiliano read a statement opposed to the amended project. Her statement is available for review at 3 Pond Road, Conservation Office. She asked the commission to consider the impacts to the surrounding resource areas and urged them to deny the amendment. Ms. Guilano also read a statement prepared by Debra Gardner of 13 Norwood Heights which also urged the commission to deny the amendment. Her statement asked for a full exploration of probable contingencies should be reviewed at the start so those interested or affected are fully informed. She read a statement from George Craig 9 Norwood Heights which said if the commissioner placed a restriction on blasting, why is now being brought up as an amendment. We believe the delay was to Circumvent the commission mandate and do not believe that the blasting will not have an affect on the wetland or surrounding areas. Please deny the request.

Isabel brown 121 Leonard St

Ms. Brown voiced her concern over the affects of the blasting on the existing septic systems and the nearby intermittent stream.

Mr. Gulla stated that the structural issues associated with blasting do not come under the purview of the commission; the no blasting clause in written into the order as a safe-guard. The process was followed and the blasting has been reviewed.

Andrew McCowan, McCowan Assoc., 39 Dodge St., Beverly,.

Mr. McCowan stated he has reviewed the site and the submitted blasting plan. It will sheer the rock with no impacts to the wetlands.

Ms. Press stated that McCowan Associates must be on site to monitor the blasting and a report must be submitted.

Conditions:

- **McCowan Associates to monitor blasting**
- **Report submitted to agent after blasting work is done**

Motion: To approve the Amendment of Order of Conditions for 2 Norrock Road, submitted by Timothy & Liane French, to conduct blasting in the buffer to an inland resource area. (Map 182, lot 7).

1st: Barry Gradwohl

2nd: Steve Phillips

Vote: Approved 3-1 with Charles Anderson opposed & Robert Sherman abstaining.

C. Continuation- 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: Mike Carter, GCG Associates, 84 Main St. Wilmington, MA.

Mr. Carter stated that additional plantings have been added along the edge of resource as requested and has been resubmitted. The city engineer has reviewed and approved the drainage plan and had not comments.

Pubic Comment: None

Motion: To approve the project at 68R Poplar Street 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).

1st: Barry Gradwohl

2nd: Charles Anderson

Vote: Approved 4-0 with Robert Sherman abstaining

D. Continuation -28-2247- 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 Consultants, 107 Audobon Rd, Wakefield, MA.

Mr. Kirby stated the project includes increasing gravel driveway area, installing a pervious paver patio, and revised landscape plans were submitted. The mitigation exceeds the 2-1 requirements. Erosion controls and an invasive management plan have been submitted. The retention pond has been approved by the city engineer and will mitigate for the runoff associated with the project.

Commission Comments:

Pubic Comment:

Fredrck Gisal 15 Steep Hill Dr.

Mr. Gisal stated he has been retained by John Harrington, Carol Sterns, and other neighbors and abutters of the project to review the application. LEC noted in the application that a number of test holes had historic fill over native organic soils and Meridian Associates test pit noted 12 inches of fill at estimated seasonal high ground water elevation level at 9 inches below grade. It indicates that the lot is of filled wetlands. If the lawn was not maintained as lawn it would return to a wetland.

The pond on site was referred to as a vernal pool by the previous conservation agent. The pond is not a certified vernal pool. Nothing has established that it is not a vernal pool. A delay is requested so a determination can be made this spring whether this is vernal pond. The site plan was prepared on November 16, 2012; the plan is not consistent with the landscape plans dated November 27, 2012 and revised plan of December 17, 2012. There is a walkway shown that will affect the drainage/runoff and the materials were not specified. Shown on the plan is elevation 24 at the ends of the addition and elevation 23 at the edge of the pathway. There are errors on the plan so it is not clear as what is going to be built. The test pits show a high ground water table. They are at 9 inches below grade at elevation 21.8. The bottom of the retention basin is elevation 22. Detention structures for storm water management have to have 2 feet of elevation difference between the bottom of the basin and the seasonal high ground water. The basin will become a wet basin. The foundation area would be built in to the ground water. No dewatering plan has been submitted. Drainage report: There is 575 square feet of pathways with runoff going to a retention basin. It is 1/3 the size of the new addition. Only 40 square feet is included in the drainage plan. Exfiltration of more than half of the runoff volume will go into the basin, exfiltrating into the ground. The fill area is only 10 feet away from the edge of the wetlands. The mitigation does not accommodate the addition There is too much development for the site.

Mr. Kirby informed the board that the pond is not a vernal pool and has been submitted to Natural Heritage and the Conservation Commission. Pipes: there was a clay pipe that connected the pond to a drainage ditch. Part of it was removed and the plan was to replace it to expedite water from the site. That area was replaced with dead sand which slows the movement of water from the pond area to the ditch. It was approved by the commission. High ground water: The elevation of the ground water is during the weeks when the ground water is high. The system will not fail. The walkways will be gravel and will be clarified on the plan. De-watering: will revise the construction sequence so the basin is constructed prior to the placement of the foundation and create a detention pond and pump water into a dirt bag that is in the retention pond.

Mr. Gulla stated concern over the words of a “trying to work with the site.”

Brian Tim, Meridian Associates 500 Cummings Center, Beverlyl

Mr. Tim stated that the bottom of the retention basin has not provided two feet of separation for estimated seasonal high ground water which was established by two test pits. The proposal is to provide fill on site to raise it by 2 feet. We have proposed a design that when ground water is not at its peak elevation, it will have infiltration capacity.

Mr. Gulla stated his concern again about the statement of “working with what we have”. This is a proposed entity and could get smaller. Making the project smaller would reduce the impacts.

Mr. Tim stated that the addition size will not make a difference to the type of retention basin.

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 February 6, 2012..

1st: Charles Anderson

2nd: Barry Gradwohl

Vote: 4-0 with Robert Sherman abstaining.

VI. Block 3*

A. 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: Bill Manuell, Wetlands and Land Management, Danvers, MA. Asked to **Mr. Manuell** informed the commission that repositioning the addition as requested was not possible. The slope would be destabilized if done. The leading edge of the wall is at toe of slope and excavator will be able to work easier from this point. The best spot for the addition is as submitted. There is 1260 square feet of mitigation. It will be natives plants in grassy areas that will be allowed to grow wild.

Pubic Comment: None

Conditions:

- **Monitoring of mitigation/vegetation**
- **Siltation to monitoring ?**

Motion: To approve the project at 19 Norseman Ave 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).

1st: Barry Gradwohl

2nd: Steve Phillips

Vote: Approved 5-0

B. New- 43 Rocky Neck Avenue, Notice of Intent submitted by M Faherty, Smith Cove LLC, to replace structural beams in a coastal resource area. (Map 130, lot 3).

Presenter: Michael Faherty

Mr. Faherty stated there are 6 eye beams 30 feet long. Last spring and fall, 4 were fixed. The two most outboard piles will be replaced. They are galvanized beams. There will be no permanent alteration or excavation. The work is done by barge.

Pubic Comment: None

Motion: To approve the project at 43 Rocky Neck Avenue, submitted by M Faherty, Smith Cove LLC, to replace structural beams in a coastal resource area. (Map 130, lot 3).

1st: Charles Anderson

2nd: Barry Gradwohl

Vote: Approved 5-0

C. 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 30

1st: Barry Gradwohl

2nd: Robert Sherman

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