

**CITY OF GLOUCESTER
CONSERVATION COMMISSION MINUTES
WEDNESDAY December 19, 2012 - 7:00 PM**

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

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

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.

John Feener recused himself

28-2236 1 Wingaersheek Rd

Motion: Approval of 1 Wingaersheek Rd

1st: Ann Jo Jackson

2nd: Barry Gradwohl

Vote: Approval 7-0

John Feener rejoined the commission

91, 103, 109 Coles Island Rd

Mike DeRosa, DeRosa Environmental

Mr. DeRosa stated he submitted a revised plan including the items the commission requested at the last meeting.

Mr. Gulla asked for a plan submission with the building envelopes taken out.

Motion: To accept the plan that includes on the road and utility work for 91, 103, 109 Coles Island Rd

1st: Ann Jo Jackson

2nd: Barry Gradwohl

Vote: Approved 7-0

II. PUBLIC COMMENT - None

III MINUTES REVIEW

Motion: To approved the December 5, 2012 minutes

1st: Ann Jo Jackson

2nd: Barry Gradwohl

Vote: Approved 6-0 with John Feener abstaining.

IV Block 1*

- A. **New- 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, 9 Parker Street

Mr. LeVie requested permission to repair wall so it won't silt into marsh land. It will be continued around and be in the same footprint and same height. Pressure treated and Green Hart wood will be used.

Commission Comments

Ms. Press informed the board that Division of Marine Fisheries was not informed of the project. Anything intertidal or below high tide has to go to the Division of Marine fisheries. They normally do not allow pressure treated wood.

Mr. Gulla stated an application needs to be made with Division of Marine Fisheries, the Harbormaster, and the Shellfish Constable.

Mr. Phillips reminded the commission that there is no legal basis to prohibit the use of pressure treated wood. The federal DPA or state DEP does not prohibit pressure treated wood. Mr. Phillips asked Ms. Press if she had any reason to believe that if the project is turned down locally that DEP would also prohibit it.

Ms. Press stated that Division of Marine Fisheries makes a recommendation against pressure treated. She stated she did not know if DEP would go against.

Ms. Phillips stated that the arguments regarding this topic that were heard at our Public Hearing were persuasive and unless other information is submitted, Mr. Phillips stated he is prepared to approve this project using pressure treated.

Mr. Gulla stated that he is still concerned about using pressure treated, however the site is close to the industrial harbor and the commission may be able to see its way past this. He stated for the record that this design is not the only solution for doing a new seawall.

Ms. Jackson concurred with Mr. Phillips. The commission will be influenced by the shellfish warden.

Public Comment: None

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 2.

1st: Ann Jo Jackson

2nd: Charles Anderson

Vote: Approved 7-0

B. New- 10 North Landing way Request for Determination submitted by Richard Talkov, 10 North Landing Way Tr, to remove and replace septic system and remove 6 trees.(Map 232 lot 18)

Presenter: John Judd, Gateway Consultants

Mr. Judd informed the board the entire site is in buffer and there is a 52 foot setback to the wetland. It has been approved by the Board of Health. 6 trees will be cut down for the project.

Commission Comments:

Mr. Feener suggested using ground cover species to stabilize soil on easterly side.

Public Comment: None

Motion: Negative Determination for the project at 10 North Landing Way submitted by Richard Talkov, 10 North Landing Way Tr, to remove and replace septic system and remove 6 trees.(Map 232 lot 18)

1st: Ann Jo Jackson

2nd: Barry Gradwohl

Vote: Approved 7-0

C. New - 132.1/2 Wheeler Street Request for Determination submitted by Walter Donovan, to repair 45' of sea wall. (Map 100 lot 26)

Presenter: John Judd, Gateway Consultants

Mr. Judd informed the board that it is a 40 foot Granite block wall. A winch will be set up behind the wall to pick up the granite pieces and place them. It will be in the same location. The work will be hand dug.

Commission Comments

Ms. Press asked how the wall will be stabilized as it is opened.

Steve Goodick, 2 Thurston Point Road

Mr. Goodick informed the board that the work would ideally be done when the tides are at their lowest. For overnight stabilization, a rubber roof material is laid down to deter rain water from eroding the wall. The soil on the surface is shallow, most of it is rubble. The stones are in good shape. The wall work will be done in sections.

Ms. Press requested a descriptive narrative addressing the sequence of the rubber roof. She stated Shellfish comments are needed.

Mr. Phillips stated that he feels that this application should have been an NOI.

The commission discussed the criteria for an NOI vs and RDA and stated their comfort level at this as being an RDA.

Public Comment: None

Conditions:

- **Shellfish comments**
- **Agent to visit site on day 2 to see the process of work.**
- **Call one week prior to work commencing**
- **Descriptive narrative for rubber roof**

Motion: Negative Determination for 132.1/2 Wheeler Street submitted by Walter Donovan, to repair 45' of sea wall. (Map 100 lot 26)

1st: Ann Jo Jackson

2nd: John Feener

Vote: Approved 7-0

Rob Gulla recused himself.

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).

Ms. Press stated when projects go beyond 2-3 months the abutters need to be re-notified and it is re-advertised.

Presenter: John Judd, Gateway Consultants

Mr. Judd stated he would like to present the project to get feedback from the

commission to make sure they are moving in the right direction.

Commission Comments

Mr. Phillips read from regulations **1050A- 3C** regarding the Alternative Analysis that is needed..

Ms. Jackson stated that the project needs to be re-advertised and the abutters re-notified. It is the preference of the commission to hear the project after that has been done. She stated her reluctance to give feedback on a project without looking at the alternative analysis first and approving it.

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 January 2.

1st: John Feener

2nd: Barry Gradwohl

Vote: Approved 6-0

Mr. Gulla rejoined the commission.

V. Block 2*

A. New- NOI 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 & Land Management, Danvers, MA.

Mr. Maneull stated the site is on bordering vegetated wetland and subject to coastal storm flowage. He discussed the overall topography of the site stating the 100 foot buffer line intersects with the house. There will be a new pervious driveway outside buffer. A portion of the deck will be removed and reduced by 5 feet. Underneath the deck will be restored lawn area. New footings will be dug with an excavator. There is limited lawn on site. Foundation work is 58' from the nearest point to coastal wetland and coastal bank. There will be 1800 square feet of additional impervious. It would be best for the commission to do a site visit to brainstorm on the best solution to satisfy mitigation requirements. A rain garden is proposed and is required by the city's drainage ordinance.

Commission Comments:

Mr. Gradwohl asked if blasting would be required.

Craig Cervo, 75 independence Road, C concord.

Mr. Cervo stated that city sewer was put it and no blasting was required.

Mr. Gulla stated concern regarding the steep slope and potential erosion issues
The Commission discussed the rain-garden design and it benefits.

Public Comment: None

A site visit was scheduled for December 26 at 8:30 a.m.

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 2, 2013.

1st: Barry Gradwohl
2nd: Charles Anderson
Vote: Approved 7-0

B. New- 25,27,31,31A Rocky Neck Avenue Notice of Intent submitted by Paul Butman, 2531 RNA Realty Trust to expand marina, install 17 piles and 2700' of floats in a coastal resource area. (Map 130 lots 5, 6, 7, and 8).

Presenter: Michael Faherty

Attorney Faherty informed the board that the project is for 2700' square feet of floats and 13 piles. Divisions of Marine Fisheries have received notice. The floats will traverse the property line. The decking and railing on the pier will be replaced. The railings are mahogany and the decking is **IK**. To comply with DEP, it will be cantilevered off of the pier with a new landing platform onto the floating docks. The structure is 120 feet long and will be within the harbor line. An application has been made with DEP for guidance for transient boating. One float is 105 feet long for transient boating. The depth of the piles will be 14 feet deep. The piles may be driven without rock sockets, but that won't be known until the work is started. The finger piers are 24x4 long. Green Hart wood will be used for the piles. The structure of the floats will be pressure treated.

Public Comment: None

Motion: To continue the project at 25,27,31,31A Rocky Neck Avenue Notice of Intent submitted by Paul Butman, 2531 RNA Realty Trust to expand marina, install 17 piles and 2700' of floats in a coastal resource area. (Map 130 lots 5, 6, 7, and 8) to January 16, 2013.

1st: Ann Jo Jackson
2nd: Charles Anderson
Vote: Approved 7-0

C New- 586 Western Ave Request for Determination submitted by Susan Smith, to replace a septic system. Map (193 lot 3.)

Presenter: Isaac Rowe, Mill River Consulting, Sergeant St, Gloucester

Mr. Rowe informed the board that $\frac{3}{4}$ of the house is built on ledge and is less than 100 feet from the wetland. Erosion controls will be in place and there will be no stockpiling. The leach field will be 18 inches deep.

Commission Comments

Mr. Feener stated that since there are trees coming down it will be altering a habitat. Ideally planting mid-story plantings and then trees behind them will restore some of what is being removed.

Public Comment: None

Conditions:

- Revised planting plan to be submitted.
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Motion: Negative Determination for the project at 586 Western Ave submitted by Susan Smith, to replace a septic system. Map (193 lot 3.)

1st: Ann Jo Jackson
2nd: Charles Anderson
Vote: Approved 7-0

D. 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).
Applicant requests continuation to January 2, 2013.

Motion: To continue the project at 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) to January 2, 2013.

1st: John Feener
2nd: Ann Jo Jackson
Vote: Approved 6-0 with Mr. Sherman abstaining.

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 January 2, 2013.

1st: Ann Jo Jackson
2nd: Charles Anderson
Vote: Approved 7-0

VII. AS TIME PERMITS: COMMISSION BUSINESS

- A. Requests for Letter Permits/Modifications
- B. Requests for Certificates of Compliance
 - 28-2081 4 William Rd
 - 28-2182 27 Wyoma Rd

Motion: Approval of 28-2081 4 William Rd and 28-2182 27 Wyoma Rd Certificates of Compliance.

1st: Ann Jo Jackson
2nd: Charles Anderson
Vote: Approved 7-0

Motion: To Adjourn
1st: Ann Jo Jackson
2nd: Steve Phillips.
Vote: Approved 7-0

***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