

**CITY OF GLOUCESTER
CONSERVATION COMMISSION MINUTES
WEDNESDAY February 6, 2013 - 7:00 PM**

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

Members Present: Steve Phillips, Charles Anderson, Barry Gradwohl, John Feener, Robert Sherman, Robert Gulla-**Absent**, 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. **None**

II. PUBLIC COMMENT - None

III MINUTES REVIEW- None

IV Block 1*

A. Continuation- 28-2251-34 Beach Road Notice of Intent submitted by 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).
Applicant requests continuation to February 20, 2013

Motion: To continue the project at 34 Beach Road Notice of Intent submitted by 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)

1st: Barry Gradwohl

2nd: Charles Anderson

Vote: Approved 5-7

C. 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).

Application withdrawn

Mr. Phillips opened the public hearing for 33 and 31 Stanwood Ave in conjunction.

D. New-28-2254- 33 Stanwood Avenue Notice of Intent submitted by Jacqueline Misuraca, to construct a single family home with associated grading and utilities in a riverfront resource area. (Map 230, lot 158).

Presenter: Mike Seekamp, Seekamp Environmental, 129 RT125, Kingston NH

Mr. Seekamp explained that an order for resource delineation area was obtained in October of 2007. The property owners' daughters are going to build two single family homes. The site plan was reviewed with the commission. The riverfront area on lot 31 is 82,185 s.f. and the impacts are under the allowable 10%. The lot is not in any other buffer zone of a resource area. The riverfront area on Lot 33 is 49,925 s.f. and the impacts are under the allowable 10%. It is slightly in a buffer to another resource area.

Commission Comments:

Mr. Phillips stated an alternatives analysis is needed.

Mr. Seekamp stated that if a lot is owner previous to the Rivers Act, alternatives only need to be looked at on the site. The lots are being sold from a father to his daughters. It makes it appropriate that the Alternatives for these sites are on the lots themselves. The lots were created after 1996.

Mr. Phillips stated they are subject to the provision that an Alternative Analysis is required of all lots that are under common ownership.

Mr. Seekamp explained that a large area of lot 3 is in the flood plain and in riverfront. Lot 4 is more in riverfront area and those would be the two alternatives.

Mr. Phillips stated a written Alternative Analysis is needed. All available alternatives need to be considered and explain to the commission why the sites being proposed are the least impactful.

Mr. Seekamp stated other Alternatives Analysis have been proposed to the commission previously

Mr. Phillips asked if the lots being presented are the same as from a previous proceeding. The riverfront area for at least one of the lots included riverfront area that was derived from the frontage on Stanwood Ave and from riverfront area on the rear of the property. Mr. Phillips asked if the riverfront area includes both of those distinct riverfront zones within the property- in giving the commission the square footage of riverfront area for each lot, was riverfront only included from the river adjacent to Stanwood Ave or riverfront from the back of the property?

Mr. Seekamp stated the square footage included it all.

Mr. Phillips requested impact calculations for only that portion of the riverfront that is derived from the area adjacent to Stanwood Ave

Mr. Seekamp stated he did not see why it was relevant.

Ms. Press stated a third party review is needed.

Mr. Seekamp stated the rivers act was formulated and the primary concern is the wildlife habitat corridor. Water quality and ground water recharge is also a concern. Between the subject property and the river are other properties including a sewer pump station, the road, and other private properties. The significant habitat areas are located in the rear lots where there will be not impacts.

Mr. Feener stated he would not feel comfortable using the sewage disposal system as an exemption.

Public Comment:

Julie Kenyon 29 Stanwood Ave

Ms. Kenyon stated there is an abundance of wildlife and it would be a shame to see any homes in the field.

Kathryn Heinz 36 Stanwood & 38-Stanwood

Ms. Heinz stated she was in favor of a third party reviewer. It is a vital habitat. It is a breeding ground for horseshoe crabs. She stated she is not against anybody putting anything in, as long as it doesn't hurt what is there. Another concern is flooding. The seawater is rising and over the years 8-10 feet of marsh has been lost because of the rising seawater.

Christine Rasmussen 82 Woodward Ave

Ms. Rasmussen stated the area has continued to be degraded and requested a habitat review along with the third party review. It is a large habitat and the area floods.

Motion: To continue the project at 33 Stanwood Avenue Notice of Intent submitted by Jacqueline Misuraca, to construct a single family home with associated grading and utilities in a riverfront resource area. (Map 230, lot 158) to March 7, 2013

1st: Barry Gradwohl

2nd: Charles Anderson

Vote: Approved 5-0

V. Block 2*

A. New- 28-2255- 31 Stanwood Avenue, Notice of Intent submitted by Michelle & Mathew Tallgrass, to construct a single family home with associated grading and utilities in a riverfront resource area. (Map 230, lot 158).

Motion: To continue the project at 31 Stanwood Avenue, Notice of Intent submitted by Michelle & Mathew Tallgrass, to construct a single family home with associated grading and utilities in a riverfront resource area (Map 230, lot 158) to March 7, 2013.

1st: Barry Gradwohl

2nd: Charles Anderson

Vote: Approved 5-0

B. New- 28-2253- 51 Rocky Neck Avenue Notice of Intent submitted by John LeVie, Atlantic Marine Services, , to repair or replace all defective pilings, caps, joists and timber framing and to construct a gangway in a coastal resource area. (Map 128, lot 44).

Presenter: John LeVie 49 Parker St

Mr. LeVie stated repair works needs to be done. There are pilings that are missing, cracked, and weathered pencil thin. They will not pass safety codes. Floor joists are missing and the frame is ripping away from the structure. Mr. LeVie explained the scope of work to be done. A gangway was permitted by DEP on the SW side but it was never built.

Ms. Press stated she had forwarded DMF comments and the application to the Harbormaster and Shellfish Warden and is in the process of coordinating a site walk with them. It is an intertidal application and a site walk is needed. DMF would like more detail on the walkway.

Mr. Feener asked that the detail on the walkway be submitted to the commission as well as any responses to the DMF comments.

Public Comment

Susan Fehrmann, 47 Rocky Neck Ave.

Ms. Fehrmann stated it would be great to get the work done. It is not safe. She stated she would like more information on the walkway.

Motion: To continue the project at 51 Rocky Neck Avenue Notice of Intent submitted by John LeVie, Atlantic Marine Services, , to repair or replace all defective pilings, caps, joists and timber framing and to construct a gangway in a coastal resource area, (Map 128, lot 44) to February 20, 2013.

1st: Charles Anderson

2nd: Robert Sherman

Vote: Approved 5-0

C. Continuation- 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 Consulting

Mr. Hughes stated there had been a site visit and updates have been made to the plan DEP comments have been addressed .The updated site plan depicts a smaller building footprint of 3090 s.f.. It may be still be smaller as the project progresses. With the footprint and 1200 s.f. workshop there is 1 s.f reduction in impervious. The driveway will be removed and 1000 s.f of mitigation has been proposed. The invasives will be removed and replaced with native plantings. 12 trees will be planted. The applicants are also requesting permission to continually remove invasives on the property.

Commission Comments:

Mr. Feener asked for a written narrative on how the invasives will be removed. He asked if any more of the building was moving closer to the resource than exists now.

Mr. Hughes stated no. it is shifting away.

Mr. Feener stated he does not see any migration/replication between the extension into the buffer zone and the resource. Area A needs to be more vegetated.

Public Comment: None

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 20, 2013.

1st: Barry Gradwohl

2nd: Charles Anderson

Vote: Approved 5-0

D. Continuation -28-2247- 25 Norwood Heights Notice of Intent submitted by 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 Audubon Road Wakefield, Ma.

Mr. Kirby stated that the public comment concerns have been addressed and responses have been submitted. Dewatering detail has been submitted, reconciled landscape plans, the pitch of the path was changed and a small retention wall was added. The walking path along the addition is pervious. The storm water design has been approved by the city engineer. Mr. Kirby informed the commission that he received a letter this evening from Mr. Geisel which commented on the storm water design. The storm water design has been approved by the city engineer. DEP had no comments. The landscape plan did not change and have already been submitted.

Commission Comments;

Mr. Feener asked if there is a local ordinance pertaining to land subject to flooding.

Ms. Press stated it would be the same as the 100 FEMA line. Paul Keene looks at the storm water to make sure water is not being displaced onto neighbors. Gloucester does not have a storm water ordinance. The storm water requirements do not apply to a single family house.

Robert Giesel, 15 Steep Hill Drive

Mr. Giesel submitted a letter dated February 6, 2013 to the commission. Drainage report excluded credit for infiltration into the ground from the drainage basin. The walkway drains into the drainage basin. The drainage basin is an impervious surface. The building addition and the walkway- calculated using a 100 year storm would produce a volume of runoff 230% of its capacity. There will also be runoff from adjacent land and it will all go into the basin. There is not adequate mitigation. There is no buffer from the detention pond and the wetland area. The applicant is maximizing a lot. The property is being overtaxed.

Ms. Press stated the commission would have to see analyze the travel path because the first flush is going into the retention basin. It would depend on the speed of the water hitting the detention area, how much is detained because of the detention basin versus how long it would take for the ground water to be at ground level which also equals sheet flow.

The commission discussed the impacts of water runoff.

Brian Tim Meridian Associates

Mr. Tim stated the walkway is pervious a surface as is the terrace in the back yard. There is a berm on the street so water runoff runs along the berm and not into the site. The detention basin is capable holding a 10 year design storm.

Public Comment: None

Motion: To approve the project at 25 Norwood Heights submitted by Frederick & Mary Jane Fortmiller, to construct an addition in the buffer to inland resource areas. (Map 181, lot 17).

1st: Barry Gradwohl

2nd: John Feener

Vote: Approved 4-0 with Mr. Sherman abstaining.

E. Amend- 48 Fort Hill Avenue Kate Stavis, 48 Fort Hill Avenue, to amend order #28-2229, to remove a stone wall, construct a new stone wall and patio, construct a garage and expand a common area driveway in a coastal resource area. (Map 136, lot 47).

Presenter: Dan Ottenheimer, Mill River Consulting

Mr. Ottenheimer stated an OoC was issued 3-4 months ago. The gatehouse is being renovated at this time. The renovation will include a small retaining wall with a granite patio with sand filler, an additional garage bay on an existing concrete pad and a stone pillar to distinguish the entrance to the property. There is a wall that is leaning that will be removed.

Commission Comments:

Mr. Feener asked for shrubs to be placed in front of the wall and for the calculation for the new impervious to be submitted to the commission.

Public Comment: None

Conditions:

- **Shrubs to be planted in front of the new retaining wall.**

Motion: To approve the amendment for 48 Fort Hill Avenue order #28-2229, to remove a stone wall, construct a new stone wall and patio, construct a garage and expand a common area driveway in a coastal resource area. (Map 136, lot 47).

1st: Barry Gradwohl

2nd: Charlie Anderson

Vote: 4-0 with Robert Sherman abstaining.

VI. Block 3*

A. New- 15 Tidal Cove Way, Notice of Intent submitted by Francis & Rosanna McCormick, to construct an addition on a foundation, an entry and deck in a riverfront resource area. (Map 95, lot 16).

Presenter: John Judd, Gateway Consultants

Mr. Judd explained that the project is a reconstruction of an existing dwelling with an addition and deck. It is being built toward the river 130 feet to mean high water. The entire site is within the 200 feet of repairing zone. It is outside the 100 ft buffer. The existing footprint and deck is 2400 s.f. The proposed addition including the deck is 1000 s.f. There is 2000 s.f of mitigation with native plantings along the coastal bank.

Commission Comments;

Ms. Press asked for an alternative analysis for the addition.

Mr. Phillips stated Mr. Judd's application is for a redevelopment under section 5.

Ms. Press stated DEP will need an Alternative analysis for the bump-out.

Mr. Feener stated if the addition goes into buffer then that triggers an Alternative Analysis. In this case it does not.

Mr. Phillips stated that if this application is under section 5 it must be proven that it is an improvement over existing conditions and meet the dimension requirements and complies with subparagraph F or G.

Mr. Judd stated over 200% of mitigation with native plantings and will improve the existing conditions to the interest of the act and is not within 100 foot buffer. He read the specific requirements of subparagraph F to the commission. Mr. Judd confirmed that all the components have been addressed and complied with in the application.

Mr. Feener stated concern with runoff and asked for isolated planting beds to mitigate runoff from the hillside. John: runoff

Public Comment: None

Motion: To approve the project at 15 Tidal Cove Way, submitted by Francis & Rosanna McCormick, to construct an addition on a foundation, an entry and deck in a riverfront resource area. (Map 95, lot 16) with the finding constitutes an improvement to existing conditions and complies with all requirements of paragraph 5 of the rivers act including that the mitigation complies with subparagraph f approve

1st: John Feener

2nd: Barry Gradwohl

Vote: Approved 5-0

B. New- 30 Stanwood Ave, Request for Determination submitted by Steven Newman to reconstruct a seawall. (Map 230 lot 75)

Presenter: John Judd, Gateway Consultants

Mr. Judd stated the work is for a collapsed concrete block seawall. It is 2 to 2.5 feet high and 45' long. The work will be hand dug behind the wall with a silt barrier construction and crushed stone backfill. The new wall will be fieldstone.

Rubber roofing will be laid over the building material as it is being built for protection for the wetlands.

Public Comment: None

Motion: Negative determination for the project at 30 Stanwood Ave, submitted by Steven Newman to reconstruct a seawall. (Map 230 lot 75)

1st: Barry Gradwohl

2nd: Charles Anderson

Vote: Approved 5-0

C. New - 16 Cononicus Rd. Notice of Intent (City of Gloucester, Wetland Ordinance only), 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 preservation Inc.

Mr. Young stated the site plans are the same.

Public Comment: None

Motion: To approve 16 Cononicus Rd. (City of Gloucester, Wetland Ordinance only), 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).

1st: Barry Gradwohl

2nd: Charles Anderson

Vote: Approved 4-0 with Mr. Sherman abstaining.

D. New -50 Essex Avenue, Notice of Intent submitted by M Hale, City of Gloucester, DPW, to install 2- 20" water mains under the Annisquam River. (Map 217, lot 26).

Applicant requests continuation to February 20, 2013.

Motion: To continue the project at 50 Essex Avenue, Notice of Intent submitted by M Hale, City of Gloucester, DPW, to install 2- 20" water mains under the Annisquam River. (Map 217, lot 26) to February 20, 2013.

1st: Robert Sherman

2nd: Charles Anderson

Vote: Approved 5-0

E. 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 February 20, 2013.

1st: Charles Anderson

2nd: Barry Gradwohl

Vote: Approved 5-0

Motion: Approval of CoC's for ??

1st: Steve Phillips

2nd Robert Sherman

Vote: Approved 4-0 (Barry Gradwohl left the room)

VII. AS TIME PERMITS: COMMISSION BUSINESS

A. Requests for Letter Permits/Modifications

28-1854 2-14 Bass Avenue Minor Modification

Chris McCarthy:

Ms. Press stated it is a 3 house subdivision- houses have been moved out of the commission jurisdiction. A copy should be sent to DEP. The Amesbury agent has been overseeing this project.

Mr. Mcarthy described the scope of work and will send the sequence of work to the Agent.

Motion: To approve the minor modification at 14 Bass Avenue.

1st: Barry Gradwohl

2nd: Charles Anderson

Vote: Approved 4-0 with Mr. Sherman abstaining.

***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