

CITY OF GLOUCESTER
DRAFT CONSERVATION COMMISSION MINUTES
WEDNESDAY March 6, 2013 - 7:00 PM
City Hall, 9 Dale Avenue, Kyrouz Auditorium
ROBERT GULLA, CHAIRMAN

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

Staff: Lisa Press, Agent- **Absent**, Pauline Doody, Recording Clerk

Items may be heard out of listed order.

Mr. Gulla opened the meeting at 7:05pm.

I. 1-5 minutes, review of amended, updated or final information, status reviews, modifications, signing decisions etc.

28-2249- 259 Concord Street

Mr. Feener requested a copy of the methods for control and the addition of 4 shrubs.

Motion: To approved the project at 259 Concord Street

1st: Robert Gulla

2nd: Barry Gradwohl

Vote: Approved 5-0 with Mr. Sherman abstaining.

COE 13-02 51 Rocky Neck Ave

Motion: To approve the COE for 51 Rocky Neck Ave

1st: Steve Phillips

2nd: Charles Anderson

Vote: Approved all 6-0

PUBLIC COMMENT:

Steven Golden 33 Rockport Road

Mr. Golden reminded the commission of an issue regarding new sewer regulations. The commission had been reviewing a local ordinance approximately 5 years ago, to attach land use controls. There was an agreement that the local ordinance would follow the state to extend jurisdiction to riverfront and all buffer resource areas. The courts ruled unless local regulations were stronger than the state then local regulations would be overruled. The commission decisions would hold weight instead of being overturned by the state. The issue was dropped by the commission at that time and Mr. Golden would like to see the commission revisit the issue.

Mr. Feener announced he will be presenting a workshop at Ipswich Town Hall on March 13 to talk about Tree Monitoring.

III MINUTES REVIEW-

Motion: To approve the minutes of February 6, 2013.

1st: Steve Phillips

2nd: Barry Gradwohl

Vote: Approved 5-0 with Mr. Sherman abstaining.

Motion: To approve the minutes of January 30, 2013

1st: Barry Gradwohl

2nd: John Feener

Vote: Approved 5-0 with Mr. Phillips abstaining.

IV Block 1*

A. 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).

Mr. Feener suggested planting beds on the Fort Square side of the property in a rain-garden design.

Motion: To approve the project and order of conditions as written for 47 Commercial Street, 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).

1st: Steve Phillips

2nd: Barry Gradwohl

Vote: approved 5-0 with Mr. Anderson abstaining.

B. New- 28-2257- 259 Washington Street, Notice of Intent submitted by Gloucester Housing Authority, to reconfigure and expand a paved parking area in the buffer to an inland resource area. (Map 105, lot 7)

Presenter: Bruce Yeamons, Lin Associates, Inc.,

Mr. Yeamons reviewed the questions and answers that were submitted to the commission. The grading & drainage plan was explained to the commission. The 100 year flood plain has been increased. There is a steep grade in one location. The wetland delineation was done 14 months ago.

Mr. Gulla stated there are a lot of items that the city engineer would like to see resolved. He recommended a continuation and for the applicant to submit in writing what points had been resolved before the next meeting.

Public Comment: None

Motion: To continue the project at 259 Washington Street, Notice of Intent submitted by Gloucester Housing Authority, to reconfigure and expand a paved parking area in the buffer to an inland resource area, (Map 105, lot 7) to March 20, 2013.

1st: John Feener

2nd: Charles Anderson

Vote: Approved 6-0

C. Continuation- 28-2260-50 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).

Presenter: Larry Durkin, DPW, Environmental Engineer

Mr. Durkin stated this is an important project to the city. The main city water tank is on Bond St and is the water supply to island side of the city. Drilling will be done from the high school under the river over to the other side. 2 20 inch pvc piles will be installed and connected to pipes on Leslie O.Johnson road.

Justin Gould, Fay, Spofford and Thorndike

Mr. Gould explained the horizontal/directional drilling method and that it would have no impact to the resource. The drill will be set up in the ball field and a bore hole is drilled 25 feet below the mud line of river to the bedrock. The exit is just outside of chain link fence of the wastewater plant. A silt sock will be placed along the work zone and marsh.

Commission Comments:

Mr. Feener requested a site walk and would like to know what areas will be affected on the wastewater plant side. .

Mr. Gulla asked if there would be any slurring coming out of the drill process

Mr. Gould stated that all slurry is captured. Soil will stockpiled and replaced so it can return to it natural vegetation.

Public Comment: None

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 March 20, 2013

1st: Barry Gradwohl

2nd: Charles Anderson

Vote: Approved 5-0 with Mr. Sherman abstaining.

Robert 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)

Presenter: John Judd, Gateway Consultants

Mr. Judd explained that the building footprint has been reduced and 1000 s.f. of native plantings will be added along the riverfront. The entire site is in the 200 foot repairing zone. 2-1 ratio has been exceeded. This application is under the redevelopment section of the riverfront act. There is an 893 reduction in impervious.

Commission Comments:

Mr. Phillips questioned if the project is an improvement to the area which is a requirement of the redevelopment section of the rivers act.

Mr. Judd read from sub paragraph F. He stated he believes the project as designed is an improvement to the area.

Mr. Feener stated he believed it is an improvement. An ecosystem is being created near the water that was never there. The improvements to the site exceeds the building itself. It will be a more sustained and less degraded site.

Public Comment: None

Motion: To approve improvement to site create an ecosystem to the river itself

1st: John Feener

2nd: Barry Gradwohl

Vote: 2 in favor, 1 opposed, 2 abstentions

The motion was not carried.

Robert Gulla rejoined the commission.
Steve Phillips left the meeting.

V. Block 2*

A. Continuation- 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).

Applicant requests continuation to March 20, 2013.

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 20, 2013.

1st: John Feener

2nd: Barry Gradwohl

Vote: Approved 5-0

B. Continuation -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).

Applicant requests continuation to March 20, 2013.

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 20, 2013.

1st: Charles Anderson

2nd: Barry Gradwohl

Vote: Approved 5-0

Rob Gulla recused himself.

C. 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, 1 & 2).

D. Continuation- 28-2251-34 Beach Road

Dan Armstrong Armstrong Civil Design

Mr. Armstrong stated he had received the comments from Linden Engineering and is requesting a continuance to March 20, 2013.

Public Comment: None

Motion: To allow the applicant to speak to Linden Engineering update the Agent.

1st: Charles Anderson

2nd: Barry Gradwohl

Vote: Approved 3-0.with Mr. Sherman abstaining

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, 1 & 2), to March 20.

1st: John Feener

2nd: Charles Anderson

Vote: Approved 3-0 with Mr. Sherman abstaining.

Rob Gulla rejoined the commission.

E. 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 the pilings need to be brought up to standards. All work will be done by hand. The pier will be CCA and the deck and boardwalk will be composite material. It will be 14 feet off the ground at some points and lower at others. The walkway design is 9x 35.

Public Comment:

Steve Douglas 1 Daniel Road

Mr. Douglas stated he was in favor of the project. It will create public access.

Susan Ferman 47 Rocky Neck

Ms. Ferman stated she would like to know more about the walkway that will be constructed.

Mr. Gulla suggested to Ms. Ferman to submit a letter to the commission stating her concerns.

Commission Comments:

Mr. Feener requested that all questions and comments from DMF be addressed in writing and submitted to the commission.

Mr. Gulla suggested using friction piles or a socket approach for the piles. He stated that the commission has to know how the pile work will be done, more thought regarding the boardwalk, and mitigation for the 6 square feet.

Mr. Feener asked Mr. LeVie to review the overall size of the deck and gangway.

Initial Conditions:

- **Industrial portion of harbor going in opposite direction of typical the commission**
- **Anything used in resource side cannot bottom out**
- **All done by hand.**
- **Engineer approval of the project**

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 March 20, 2013.

1st: Barry Gradwohl

2nd: Charles Anderson

Vote: Approved 5-0

VI. Block 3*

A. New- 28-2261-61 Wingsheek Road Notice of Intent submitted by Andrew Matrundola, to construct a deck on 10 sonotubes in a coastal resource area. (Map 261, lot 1).

Presenter: Katie Derond, DeRosa Environmental

Ms. Derond stated a portion of the site is within National Heritage area. Expansion of the existing deck is toward the northern side. 630 s.f. of new decking with 2x 12 beams and held in place with 10 sonatubes, 8 feet above the ground. Erosion controls will be in place. DEP has not reviewed the project yet. The deck material will be pressure treated.

Commission Comments:

Mr. Feener stated that there are native Junipers that need 100% sunlight and will need to be transplanted or they will die. Mitigation for the sona tubes is needed.

Mr. Gulla stated the deck material should be man made and not pressure treated.

Public Comment: None

Conditions:

- **Transplant junipers.**
- **Mitigation for sona tubes**
- **Man made material used for decking**

Motion: To continue the project at 61 Wingersheek Road Notice of Intent submitted by Andrew Matrundola, to construct a deck on 10 sonotubes in a coastal resource area, (Map 261, lot 1) to March 20, 2013.

1st: John Feener

2nd: Barry Gradwohl

Vote: Approved 5-0

B. Amend- MBTA - Annisquam River Train Bridge. Holly Palmgren, to amend order #28-2068 to add additional test borings in the Annisquam River, near the MBTA train bridge.

Presenter: Colin Dunkin, TFC, 650 Suffolk St. Lowell mass

Mr. Dunkin stated there is an active OoC for current work. To attain water quality certification, 3 samples need to be submitted to DEP. A small vessel will be used to access the area and a 3.5 inch bore in the water will be done. It is fully retrieved material and will be one or two days of work.

Public Comment: None

Conditions:

- **Work to be performed prior to April 30, 2013**

Motion: To approve the project for Annisquam River Train Bridge., to amend order #28-2068 to add additional test borings in the Annisquam River, near the MBTA train bridge.

1st: Barry Gradwohl

2nd: Charles Anderson

Vote: Approved 5-0

C. New- 28-2262- Niles Pond Rd. Notice of Intent submitted by Karen Gorczyca, Niles Pond Conservancy, to apply herbicide to control invasive reed in and along the shore of Niles Pond. (Map136).

Presenter: Bill Manuell, Wetlands and Land Management, Danvers, MA.

Mr. Manuell explained to the commission that a private organization, Niles Pond Conservancy in Gloucester would like to control the spread of reed and fragmites in Niles Pond. There was a superseding order issued for the work to be done but it never moved forward. The methods that were approved in 2002 are the same methods proposed in this application. The herbicide is approved by the EPA and would be applied during the growing season. The expected kill is 90% in the first treatment. Applications would be done over several seasons. The dead stalks will be mulched down. The conservancy hired a Geosyntech who evaluated Niles Pond and concluded the pond is utrophic. The fragmites will eventually enclose the areas of the pond that is 4 feet deep. The pond could be lost if the work isn't done. It has support of Mass Audubon and many other letters of support have been submitted.

Lou Wagner, Mass Audubon

Mr. Wagner stated that several of these types of projects have been done successfully.

Keith Gazelle Aquatic Control Technology

Mr. Gazelle stated it will be an initial broad cast application and access will be by boat to do the spraying. He explained how the herbicide would be applied and controlled. Year 2 will be confined to spot applications and year 3 the application will be further reduced. Most of growth is confined to narrow band on shoreline

Commission Comments

Mr. Gulla stated concern about the commission approving work where land may be on private property. He stated the commission would need information regarding who owns what land around Niles Pond and access points. Each property owner should be notified of the proposed work and a letter from them giving permission to do the work that is on their property.

Mr. Feener asked for a copy of Mr. Gazelle's license and documentation on the herbicide and spraying methods. He also believes that prevention of runoff should be part of the control effort and spill control should be in place. Mr. Feener requested that it should be specified that the back pack sprayer will not be gas powered.

Public Comment:

Steven Golden 33 Rockport Road

Mr. Golden stated the property owners need to know what is happening in the pond. The work will affect every property owner. He suggested that independent research should be on alternative work methods of controlling the reed, as well as, research on the product being used.

Mr. Gulla stated to the commission to consider several issues: are there other opportunities that haven't been explored to control the reed and long term management controls, property ownership.

Mr. Sherman stated consideration should be made for the future of pond itself. After Nemo there was over wash into the pond and the narrow strip of the cove and pond may be compromised. He asked how much salt gets into the pond.

Mr. Manuell stated that Eastern Point Association has addressed the barrier beach issue and has a maintenance plan in place.

Motion: To continue the project at Niles Pond Rd. Notice of Intent submitted by Karen Gorczyca, Niles Pond Conservancy, to apply herbicide to control invasive reed in and along the shore of Niles Pond. (Map136), to March 20, 2013

1st: Barry Gradwohl

2nd: Charles Anderson

Vote: approved 5-0

D. New- 28-2259-51 Leonard Street, Notice of Intent submitted by Anne Meyer, to replace a deck, enlarge an asphalt driveway, and conduct landscaping activities in the buffer to a coastal resource area. (Map 121, lot 54).

Presenter: Bill Manuell, Wetlands and Land Management

Mr. Manuell reviewed the site plan with the commission.

The work will be done from the water side up to the street. The existing granites step will be leveled and restored with a small excavator. The deck will be removed and will be smaller. The driveway will be bigger- 330 of impervious. Mitigation will be 660 s.f. of plantings on site. A bluestone terrace will have open joints. Most activity will be on upper terrace.

Commission Comments:

Mr. Feener stated concern regarding the increase of impervious and sheet flow of water going into the root system for the survival of the plantings.

Mr. Gradwohl asked why pervious pavers weren't used.

Tim Thurman, 31 Pool Lane Rockport Tree house design

Mr. Thurman stated that any type of loose material would end up on the road because of the existing slope and the cost is prohibitive.

Public Comment: None

Motion: To approve the project at 51 Leonard Street, submitted by Anne Meyer, to replace a deck, enlarge an asphalt driveway, and conduct landscaping activities in the buffer to a coastal resource area. (Map 121, lot 54).

1st Robert Sherman

2nd: Charles Anderson

Vote: approved 5-0

VII. AGENT'S REPORT ON VIOLATIONS

B. Requests for Certificates of Compliance

28-1932 75 Dollivers Neck – project abandoned

Motion: To approve the CoC for 28-1932 75 Dollivers Neck

1st: Barry Gradwohl

2nd: John Feener

Vote: Approved 5-0

Mr. Sherman stated that he believed a procedural mistake may have been made on 138 Wheeler St. He believed the motion should have passed with the vote taken. The commission decided to speak with the agent to determine if the motion should have passed or not.

Motion: To adjourn

1st: John Feener

2nd: Charles Anderson

Vote: Approved 5-0

***Please note that items may be taken out of order.**