

CITY OF GLOUCESTER
DRAFT CONSERVATION COMMISSION MINUTES

WEDNESDAY March 20, 2013 - 7:00 PM
CITY HALL, KYROUZ AUDITORIUM
ROBERT GULLA, CHAIRMAN

Members Present: Robert Gulla, Chair, Charles Anderson, Barry Gradwohl, John Feener, Robert Sherman, Ann Jo Jackson- **Absent**
Staff: Lisa Press, Agent, Pauline Doody, Recording Clerk

Mr. Gulla announced that the meeting is being recorded.

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.

28-1873 ext Harbor Loop Ext

John Colbert, GZA Environmental, Norwood MA..

Mr. Colbert requested an extension for the Order of Conditions for ongoing work with NAPA recovery. The work is required and is not complete. It is a 2nd extension.

The board decided to grant an extension for 2 years.

Motion: To approve the extension to the order of conditions for 28-1873 Harbor Loop for 2 years.

1st: John Feener

2nd: Charles Anderson

Vote: Approved 5-0

COE 33 Rockport Rd

Brad Pierce. Cape Ann Motor Inn

Mr. Pierce informed the board that the seawall on his property fell over during the most recent storm and he would like to replace it. If it is not replaced it will fall into the ocean with the next storm.

Conditions:

- **Work to be done to time with tides and weather**
- **Description of the methods of how the work will be done**
- **Drawing of work with description**
- **Snow fencing**
- **Photo documentation of work being done**

Motion: To approve the COE for 33 Rockport Road

1st: Barry Gradwohl

2nd: Charles Anderson

Vote: Approved 5-0

II. PUBLIC COMMENT - None

III MINUTES REVIEW

The minutes to be reviewed at the April 3, 2013 meeting.

Mr. Gulla opened the public hearings.

IV Block 1*

A. New- 28-2263- 5A River Road, Notice of Intent submitted by James & Elisabeth Demarse, to rebuild 56' of seawall in a riverfront resource area. (Map 118, lot 20).

Presenter: John Judd Gateway Consultants

Mr. Judd stated the lot is under 5000 s.f. and is vacant. 56 feet of seawall needs to be reconstructed. Ms. Press, Jim Caulkett, and Dave Sargent met on site. Mr. Sargent's comments included that any preventative rock should remain and all loose should be reconstructed. It will be dry stack method of the rock. Erosion control fabric will be placed behind stones prior to loam and seed work done. Mr. Judd explained the site plan to the commission.

Public Comment: None

Conditions:

- Plywood to be placed for machinery to travel on
- Remove invasives

Motion: To approve the project at 5A River Road, submitted by James & Elisabeth Demarse, to rebuild 56' of seawall in a riverfront resource area. (Map 118, lot 20).

1st: Barry Gradwohl

2nd: Charles Anderson

Vote: Approved 5-0

B. 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). **Applicant requests continuation to April 3, 2013.**

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 April 3, 2013

1st: Charles Anderson

2nd: Barry Gradwohl

Vote: Approved 4-0 with Mr. Gulla abstaining

C. New – 239 Eastern Ave Notice of Intent submitted by Mark Duval, McMark RT, 239 Eastern Avenue to construct a stream crossing and roadway for commercial use, a culvert, retaining walls, utilities and drainage structures in an inland resource area. (Map 161, lots 9, 11).

Presenter: John Judd, Gateway Consultants

Mr. Judd stated the site is an 11 acre parcel and the project is to reconstruct an existing stream crossing. There was a headwall that was washed out in early 1990's. The stream overtops. Work includes removing an exiting broken culvert and fill material and replace it with an arched culvert. It will cover a 20 foot span and be 20 feet wide, will allow for better hydraulic capacity and help wildlife access. The existing stone asphalt will be removed and 1430 s.f. of wetland replication will be installed. Installing 300 of access, storm water treatment basins, and a retaining wall.

Commission Comments:

Ms. Press stated the applicant has to prove that the locus is not in river, if it cannot be proven then the other part of the project will be in buffer. Ms. Press requested a third party reviewer for the project.

Mr. Feener suggested treating the entire site as if it is in riverfront.

Mr. Judd agreed with amending the application and keeping the public hearing open.

Mr. Gulla stated he does not want to see the velocity of the stream to change.

Ms. Press stated the application needs to be revised before bids to third party reviewer can be sent out.

Public Comment: None

Motion: To continue the project at 239 Eastern Ave Notice of Intent submitted by Mark Duval, McMark RT, 239 Eastern Avenue to construct a stream crossing and roadway for commercial use, a culvert, retaining walls, utilities and drainage structures in an inland resource area. (Map 161, lots 9, 11) to April 17, 2013

1st: John Feener

2nd: Barry Gradwohl

Vote: Approved 5-0

D. New- 83 Leonard St Request for Determination submitted by Bertrand Mason, to remove concrete pavement and replace with stone, remove invasives replace with native landscaping

Presenter: Hillary Hollsworth, 19r Walker St Gloucester

Ms. Hollsworth stated that there is a storm water runoff issue for the applicant. The existing storm drains do not work well. There is no parking for the property. The plan proposes to dig up 500 s.f. of concrete and replace it with stone and plantings. The water will be better absorbed. A 1-1.5 foot high edge will be created for the parking area.

Commission Comments:

Mr. Gradwohl requested weep holes to be placed in the granite edging for better disbursement of water.

Public Comment: None

Conditions:

- **Parking area to be a water retention area**

Motion: Negative Determination for the project at 83 Leonard St submitted by Bertrand Mason, to remove concrete pavement and replace with stone, remove invasives replace with native landscaping

1st: Barry Gradwohl

2nd: Robert Sherman

Vote: Approved 5-0

E. 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 Engineering

Mr. Durkin stated there would be no discharge to the wetlands.

Commission Comments:

Ms. Press stated the fencing will be moved back to protect the wetlands, taking water out of the slurry and solids moved off site.

Mr. Sherman stated working with drilling equipment will impact the area. It is a perfect opportunity to install plantings.

Public Comment: None

Conditions:

- **Add 6-10 switch grass in area along fence and closet to marsh**
- **Agent to do site visit at end of construction to determine if mitigation is needed.**

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

1st: John Feener

2nd: Robert Sherman

Vote: Approved 5-0

V. Block 2*

A. 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).

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 April 17, 2013

1st: Barry Gradwohl

2nd: Charles Anderson

Vote: Approved 5-0

B. 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).

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 April 17, 2013

1st: John Feener

2nd: Barry Gradwohl

Vote: Approved 5-0

C. Continuation- 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)

Applicant requests continuation to April 3, 2013.

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 April 3, 2013.

1st: Barry Gradwohl

2nd: Charles Anderson

Vote: Approved 5-0

D. New- 91, 103, 109 Coles Island Road Request for Determination submitted HA Patrican Jr., to install 3 water supply wells.

Presenter: Katie Deron, DeRosa Environmental

Ms. Deron stated wells are to be installed on lots C, D, and E. The location is within the 200 foot buffer zone. Erosion control barriers will be in place.

Commission Comments:

Ms. Press stated she had not issues.

Public Comment: None

Conditions:

- **Permit markers to be placed near areas of work**

Motion: Negative determination for the project at 91, 103, 109 Coles Island Road submitted HA Patrican Jr., to install 3 water supply wells.

1st: Barry Gradwohl

2nd: Charles Anderson

Vote: Approved 5-0

E. Continuation- 28-2261-61 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).

Presenter: Katie Derond, DeRosa Environmental

Ms. Derond stated the project entails the extension of an existing deck on the eastern side of house to go to northern side of house. A mitigation plan has been submitted. The junipers that need to be moved for the deck extension will be replanted in dune. There is 1 s.f. of disturbance from the sona tube. 40 one gallon native plantings will be planted for mitigation. The structural portion of the deck will be pressure treated and the decking will be pvc. The homeowner will provide irrigation to the dune plantings for the 1st year.

Public Comment: None

Conditions:

- **Gravel to be removed**

Motion: To approve the project at 61 Wingaersheek Road submitted by Andrew Matrundola, to construct a deck on 10 sonotubes in a coastal resource area. (Map 261, lot 1).

1st: Robert Sherman

2nd: Charles Anderson

Vote: Approved 5-0

F. New- 20 Biskie Head Pt. #1 Adam Desanctis, to construct a pathway and stairs, a pier, gangway and float system in a riverfront resource area. (Map 232, lot 3).

Presenter: Bill Manuell, Wetlands and land Managment

Mr. Manuell explained the site to the commission and has had 2 site meetings with the shellfish constable who is in supports the project. It will improve the shellfish habitat. The existing float rests on the bottom of the flats as do any boats that tie up to it. The new float will be moved to deep water. There is a cluster of rocks where a single concrete pedestal will be installed and will span 26 feet, a 40 foot ramp with several 4 x 16 floats will be installed to get to deep water. At the end will be a 10x20 end float. There will be 30 inch standoffs, materials are non toxic, and will have helical anchors and vertical elastic ropes which will eliminate scouring. The impacts have been reduced from 140 s.f. where the float was sitting on the flat, to 15 s.f which is the footprint of the standoffs. The only float for boat tie up is the end float.

Mr. Manuell reading a letter submitted to Ms. Press by Dave Sargent. The letter described work being done and stated conditions for the project.

Mr. Manuell explained the design to get to the dock. He stated the existing staircase is wood and will be removed. A footpath will be created to get to the float. Some area will be cleared and yearly maintenance to keep it cleared will be needed.

Commission Comments

Ms. Press stated she was happy with the plan and sees it as a positive.

Mr. Feener requested markings for path to be a certain size.

Mr. Manuell stated it will be a 4 foot wide path.

Public Comment: None

Conditions:

- **Mark path to be 4 feet wide from the ground up**
- **Boats to be holed to end float only**

Motion: To approve the project at 20 Biskie Head Pt. #1, to construct a pathway and stairs, a pier, gangway and float system in a riverfront resource area. (Map 232, lot 3).

1st: John Feener

2nd: Barry Gradwohl

Vote: Approved 5-0

VI. Block 3*

A. Continuation- 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

Mr. Manuell stated permission has been secured by all property owners that abut Niles Pond except for one. That property owner will be excluded from treatment. The work will be assessed over 3 years. The Nol contains protocols of treatment for years 2 and 3.

Commission Comments:

Mr. Gulla requested a document be created showing the pond and property permission letters and how they are attached. Its to include property where permission was not granted.

Mr. Feener requested a copy of the aquatic license for the person applying the herbicide and a narrative of the procedures for work to be done.

Mr. Sherman stated several concerns. He questioned the ability of the commission to do work on state property, why the fragmites needed to be removed, and whether the fragmites, even if invasive, could be beneficial to the existing wildlife and current ecosystem and shouldn't be removed. He stated the pond is frequently over washed with salt water and if the salinity levels are high enough it would naturally eliminate the fragmites. Mr. Sherman stated concern over toxicity levels of the herbicide. The area will be sprayed and will affect everything it comes in contact with.

Mr. Manuell responded to Mr. Sherman's concerns:

- that no additional permission from the Commonwealth. It is under Chapter 91 regulations.
- The fragmites is enclosing the pond and the habitat will be lost. Fragmites outcompetes native plants.

Lou Wagner- Mass Audubon

Mr. Wagner continued Mr. Manuell's explanation. Mass Audubon and the state consider the fragmites an invasive species. They displace native plants and have cascading affects on ecosystems. It is a threat to the native species.

The commission and applicant discussed the application process of the herbicide.

Mr. Manuell stated the denser stands will be reached by going into the pond to apply the herbicide.

Public Comment:

Maggie Rosa 26 Fort Hill Ave

Ms. Rosa stated she has lived on Eastern Point Ave for 13 years and have noticed the increase of fragmites over the years. At one point there was an approval to remove the fragmites but it did not move forward, but now, 10 years later the conservancy has decided to move forward to save Niles Pond. The plan is to control not to remove all of the fragmites. The herbicide is the safest way to go.

Joe Ciolino, 28 High Popples Road, Councilor- at- Large

Mr. Ciolino stated that the pond is in dire need of attention. The wall between Niles Pond has been breached year after year and has not stopped the growth of the fragmites. Several proposals to control the fragmites have been researched and many ruled out. The project is well thought out and thoroughly researched

Motion: To approve the project at Niles Pond Rd. submitted by Karen Gorczyca, Niles Pond Conservancy, to apply herbicide to control invasive reed in and along the shore of Niles Pond, (Map136) subject to the commission conditions.

1st: Barry Gradwohl

2nd: Charles Anderson

Mr. Feener requested a better defined management plan to be implemented on an annual basis.

Mr. Sherman requested that native plants be planted where the fragmites are removed after the first year.

Mr. Manuell stated the Conservancy will assess the effectiveness of the work after the first year and will provide a report to the agent.

Vote: Approved 5-0

B. 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).

This public hearing was previously approved on March , 2013.

C. Continuation- 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, Atlantic Marine Services

Mr. Levie distributed the revised stamped engineering plan to the commission. The walkway has been reduced to 5x35 feet.

Commission Comments:

Ms. Press stated that the project will not harm the site because it is already heavily contaminated.

Public Comment:

Susan Fehrman, 47 Rocky Neck Ave

Ms. Fehrman stated she was in favor of the project.

Motion: To approve the project at 51 Rocky Neck Avenue 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).

1st: Charles Anderson

2nd: Barry Gradwohl

Vote: Approved 5-0

D. 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).

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 April 3, 2013

1st: Barry Gradwohl

2nd: Charles Anderson

Vote: Approved 5-0

VII. AGENT'S REPORT ON VIOLATIONS

**A. Requests for Certificates of Compliance
28-1902 16 Cononicus Rd**

Motion: To approve the Certificate of Compliance for 16 Cononicus Rd

1st: Barry Gradwohl

2nd: Charles Anderson

Vote: Approved 5-0

Motion: Meeting to adjourn

1st: John Feener

2nd: Barry Gradwohl

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

