

**CITY OF GLOUCESTER
CONSERVATION COMMISSION AGENDA
WEDNESDAY, February 3, 2010 - 7:00 PM
CATA CONFERENCE ROOM - 3 POND ROAD
ROBERT GULLA, CHAIRMAN**

All present:

**Robert Gulla, Chairperson
Ann Jo Jackson, Chairperson
Charlie Anderson, Commissioner
Barry Gradwohl, Commissioner
John Feener, Commissioner
Arthur Socolow, Commissioner**

**Lisa Press, Agent
Pauline Doody, Recording Clerk**

Items on this agenda will not be heard before the time specified.

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

28-2036 29 Ferry Street

The commission has closed this hearing and is waiting on DEP comments. The applicant stated that he would not allow another continuance. The conditions will be determined at the next meeting, after DEP comments. The applicant has stated that they do not want to wait

Motion: To approve with conditions within 21 days and comments from DEP

1st: John Feener

2nd: Ann Jo Jackson

Vote: All approved 6-0

28-2031 Pearce's Island

The conditions are completed.

Motion: To approve

1st: Ann Jo Jackson

2nd Barry Gradwohl

Vote: All approved

28-1304

Needs signatures only

RFD 1220- 82 Bass Ave- Gutter Change

This is a Request for Determination

Gutters will be changed into a rain handler. The commission will allow a change, however Mr. Gulla stated that they can not modify an RFD. The board agreed that it will be up to Ms. Press's discretion and she will then present her decision to the board and move forward from there.

II. PUBLIC COMMENT

None

III MINUTES REVIEW

John Feener stated that on 147 Essex Ave—the minutes should say caliper not caliber.

John Feener stated that on 82 Bass Ave the minutes should say excess soil depth and cytospera canker,

Motion: To approve the December 2nd minutes

1st: Barry Gradwohl

2nd: John Feener

Vote: All approved 6-0

IV PUBLIC HEARING 7:15 PM

- A. New- 18 Laurel Street** Request for Determination submitted by Katherine Kulik, to replace a wastewater treatment system in a buffer zone to a wetland area. (Map 220, Lot 140).

Presenter: Isaac Rowe, Mill River Consulting

Mr. Rowe gave an overview of the project at 18 Laurel St. It is an upgrade to a substandard septic system that is located in the front yard. The project will connect to existing plumbing, a 1500-gallon tank in the backyard and to the new leeching field. The backyard is all lawn and trees and no trees will be removed for the project. All access for the construction will through the backyard. It will not be increasing flow, and erosion control will be a sock to prohibit runoff. There are wetlands across the street and there is a 100' buffer zone. Mr. Rowe stated that the Board of Health has already approved the project and soil testing has been completed.

Public Comment;

None

Commission comments:

Mr. Feener asked if the trees are outside of the buffer zone and Mr. Rowe said that they were. Mr. Feener also stated that if 35% of a tree's root system is destroyed that it would lead to the death of the tree. He would also like to see all trees documented on future plans.

Motion: For negative determination

1st Ann Jo Jackson

2nd: Charles Anderson

Vote: All approved 6-0

- B. New- 28-2042- 41 Grapevine Road,** Notice of Intent submitted by Laurel Feder, to construct a 2 story addition with foundation, a porch, patio and carport, replacement and expansion of the driveway and relocation of septic system in the buffer zone to a wetland area. (Map 83 lot 58).

Presenter: Isaac Rowe, Mill River Consulting

Mr. Rowe presented an overview of the project. He stated that the house will be squared off and off of the 2nd floor will be a porch with a patio underneath. Adjacent to the existing garage will be a carport built on Sono Tubes. The driveway will be expanded for a turnaround. They will be taking up the impervious and putting in pervious. It has not been determined what that pervious material will be.

The property is on sewer. They are proposing to move existing sewage grinder and install a 2" force main to connect to sewer. The drainage plan is in the backside of property. There will be crushed stone infiltration trenches, and erosion controls in place. The wetlands have been flagged

Mr. Rowe stated that there is a 20' easement with the telephone company that is very old and they are investigating to see if they have the authority to go through the easement. **The City wants a letter of confirmation regarding the easement**

Public comment:

None

Commission comments:

Mr. Gradwohl asked what kind of pervious driveway it would be. Mr. Rowe stated they did not know at this time.

Mr. Gulla asked "what is the comparative square footage from what you are adding for pervious to what exists now".

Mr. Rowe stated that there is 2846 of impervious now and after construction they will have 2534 square feet of impervious. Mr. Gulla asked, "What is increase of impervious and how big is the driveway." Mr. Rowe stated that the driveway is 1300 square feet and all the impervious proposed will be 1000 square feet.

Mr. Gulla stated that the project will need 2000 square feet of mitigation for impervious. Mr. Gradwohl stated that a maintenance plan will need to be in place and followed for the driveway.

Mr. Feener stated that there are not any trees or shrubs marked on the plan. Mr. Gulla stated that the commission needs to see where items are located.

Mr. Gulla noted that the Silt fence looked arbitrary. Mr. Rowe stated that it is depicted, as it is to give space for the work to be done.

The commission verified that there would no tree removal on the project and that they haven't received anything from DEP yet. It was also noted the shed on the property should be on blocks. Mr. Rowe stated he would check to make sure it is.

Mr. Feener stated that any toxic chemicals or gasoline is not allowed to be stored in the shed because of the wetlands. All chemicals need to be clearly marked as such.

The commission suggested that a good location for the plantings up in back of the lot or along the driveway.

Conditions:

- **The plan needs to reflect trees and plantings.**
- **Planting plan must show 700sq feet of native plantings**
- **No toxic chemical to be stored in shed**
- **The shed must be on blocks**
- **Driveway will not be of imperious material**

- **The math for impervious vs. pervious to be clarified and noted on plan**

Motion: To continue to February 17, 2010 @ 8:15

1st Ann Jo Jackson

2nd: Arthur Socolow

Vote: All approved 6-0

C. New- 28-2040- 6 Rowe Square, Notice of Intent submitted by Dan Mc Pherson, Neptune LNG LLC, to remove man made debris by cable or grapple hook adjacent to a dock in a coastal resource area. (Map 11 lot 4).

Presenter Dan McPherson, Neptune L& G

The applicant will be leasing space and 150' of dock and want to store vessels there. They have sent divers down to inspect the ocean floor and found that there is a large amount of debris. The divers found, netting, wire cables, traps, cut stone, pilings, televisions etc. 60% of the area they want to use is covered in debris.

Public Comment:

None

Commission comments:

Mr. Feener asked where the debris will be taken once removed as well as the chain of custody. Mr. McPherson stated that Boston Towing and Tug will remove the debris and taken to appropriate facilities

Mr. Gulla questioned if one of the commission members should be present when debris is removed, and if it looked like the debris is from past construction projects, that future restrictions will need to be put in place.

Mr. Feener asked that the commission to be notified if anything toxic is found.

Mr. Anderson stated that all debris must be removed and deposited in a licensed facility and a copy of the chain of custody to be given to the commission.

Conditions:

- **Chain of custody of debris to be given to the Conservation Commission**
- **List of what is removed from ocean floor**
- **The name and address of the disposal sites**
- **72 hours notice of when work will be done**
- **If any tanks and/or drums are found, they are not to be removed until the Conservation Commission is notified for further investigation.**

Motion: To approve

1st: Arthur Socolow

2nd: Ann Jo Jackson

Vote: All approved 6-0

D. New- 28-2041- 9-11 Rogers Street, Notice of Intent submitted by Cape Ann Brewing Company, to construct an addition, and outdoor deck and a loading

dock and to install underground piping in a coastal bank resource area. (Map 7 lot 15).

Presenter: John Judd, Gateway Consultants

Mr. Judd gave an overview of the proposed project of the old “Doyon Building”. There will be a pervious outdoor deck to extend the limit of the structure and a loading dock of concrete 19x14. Also installed will be 2 sub service 1” diameter pipes. These pipes will be dug in shallow trenches and attach to existing pilings. The pipes are for desalination for the brewing process. The desalinization equipment is for the water supply needed for brweing.

The sona tubes will be hand dug.

Commission comments

The commission stated several concerns regarding the pipes functions and impact on the ocean waters.

It was asked that if the tide were low would the machine turn off? If the system is shut off anything in the pipes will be automatically discharged into the ocean.

How does the desalination affect the marine environment?

Mr. Socolow asked how much water would be drawn in? They will draw in 20,000 gallons of ocean water be able to use 2000 gallons per day. The system is designed to be able to convert that much water, however they will only use what is needed.

Mr. Gradwohl asked how the concentrated waste would be disposed of? The waste will be deposited back into the ocean. This will include all contaminants.

Ms. Press asked if this could change the temperature of the water? It may change the temperature 1-3 degrees unless it was a very hot day.

Mr. Gulla stated that it couldn't be higher than that because it could cause issues with the marine environment.

Mr. Gulla also wanted clarification of the size and location of the inlet & outlet pipes and their proximity to the harbor. The pipes will be the diameter of a garden hose as it is not a large system.

Mr. Feener stated that a pipe maintenance plan should be in place.

Mr. Gulla asked the applicants what they want in terms of the project.

The applicants stated they would like to bury the pipes 2' into ground in a one-bucket trench. They will be using Treks boards for the deck.

Ms. Jackson stated they the applicant would need to have controls in place for the trash generated by the outdoor dining.

Mr. Feener asked what the deck elevation would be. The applicants stated it would be 16” and 12-18 separation. John; deck elevation will be slab is 16” 12-18” separation Mr. Feener would like the code standards checked and space the boards for flow of rainwater.

The commission suggested to add to the plan as the project moves forward what the guidelines would be in case of an emergency. It was also suggested to add some planting on side areas for mitigation.

Lisa Press would like to wait until she has heard everyone's concerns and comments. She would like to speak with Jim Caulkett as the deck is on a public landing and the DMF regarding the inlet and outlet pipes.

Public Comment:

Sonny Robinson 20 Harvard St, Gloucester

Conditions: None at this time

Motion: To continue to February 17, 2010 @ 8:15

1st: Ann Jo Jackson

2nd: Arthur Socolow

Vote: All approved 6-0

PUBLIC HEARINGS 8:15 PM

- A. Continuation- 28-2039-14 Samuel Riggs Circle-** Notice of Intent submitted by David Guthrie, to construct a pier, gangway, and float in a coastal bank resource area at Mill River. (Map 112 lot 21).

Presenter: Mark Slager, Alan Engineering

A new float and dock system to be constructed which will be supported by legs at low tide. A site walk has been done, attended by Jim Caulkett, Dave Sargent, Glenn Casey and Lisa Press. It was stated that no watercraft will be tied to the pier and the anchor line will be as tight as possible.

Public Comment:

None

Commission comments:

Lisa Press stated that this proposal is a good option. She also stated the underneath the existing deck is a plank system that will be removed. The floats will not be stored in the resource area, and some will be stored on the existing deck.

Conditions:

- **Removal of planks under existing deck**
- **Wait for Shellfish and DMF comments**

Motion: To approve

1st: John Feener

2nd: Ann Jo Jackson

Vote: All approve 6-0

Motion: To recess for 5 minutes

1st John Feener

2nd Barry Gradwohl

Vote: All approved 6-0

- B. Continuation- 28-2034- 99A Essex Ave-** Notice of Intent submitted by David Hill, Gloucester Hotel LLC, to construct a 15, 940, 00 sq. ft. commercial building, a 1,710 sq. ft canopy with associated excavation, foundation and utilities and parking area in riverfront and coastal bank resource area. (Map 216 lots 1, 17 & 126)

Presenter: Bill Jones, John Crowe Associates, 50 Cross St, Winchester MA.

Mr. Jones presented his evaluation of the proposed storm water plans for the above project. He stated his review was conducted on what was submitted to him. **This documentation is available to the public at the Conservation Commission office and website.**

Public Comment:

Susan Taromina, 115 Essex Ave, Gloucester

Ms. Taromina stated that in the parking and building area that there are plantings growing. She said if it had been determined that there is no topsoil then how can greenery grow?

Mr. Jones stated that most of the area lacks topsoil and it is natural for some areas to grow some form of vegetation over time.

Sam Frontiero, 11 Stuart Rd, Gloucester

Mr. Frontiero took pictures during a rainstorm two weeks ago. The pictures show flooding where the existing garage is on the property and also showed two lines pumping the water out. The picture shown had the high tide at 11'. He stated that during the Blizzard of '78 that the tide was at 16'—4' higher than top of property. During a '91 storm the tide was 14' high. Also on January 1& 2 of 2010 the tides were at 15'. He reiterated that this area is prone to flooding and concerned that any oil and debris will go into the river with these high tides and storms.

Mr. Gulla asked if in flood conditions are there back flow prevention valves and how do they respond to a flood?

Mr. Jones stated the water in the catch basin will be higher than and elevation of 9'. They have a hood so floatables will not go out. The system will back up periodically. The system will build up so the water will be higher than the water level from the storm. There are safeties in place to catch problems. It would first back up onto pavement then go back into catch basin.

Mr. Gulla explained to the public that there are standards set in place for everyday events and those rare events that happen.

Mr. Frontiero asked if the hotel would get flooded. Mr. Gulla stated that the construction of the hotel and the first floor building would be designed to handle that situation.

Susan Taromina, 115 Essex Ave, Gloucester

Ms. Taromina asked if the embankment breaks down who will take responsibility for its repair?

Mr. Gulla stated that documentation would state responsible parties and requirements.

Ms. Press stated that the commission may want to a 3rd party review to look at this aspect of the site..

Alan McGleason, 64 Bond St, Gloucester, Ma.

Mr. McGleason asked when the questions from the abutter will be answered? He also stated the soil around the garage may have issues and should be looked into.

Jill Mcglaeahean, 64 Bond St., Gloucester, Ma.

Ms. McGleason questioned the language in the proposal that the "Project will be a great benefit"

Ms. Press stated that Mr. Jones did state that they must go value by value and not just have a general statement.

The commission told the public to send email to Marie Demick regarding all questions, and to include their name and address.

Mr. Frontiero , 11 Stuart St, Gloucester, Ma.

Mr. Frontierro asked who he should contact and how if he sees water being pumped again. Ms. Press said to send her an email immediately.

Mr. Gulla asked if the pumping was legal? Ms. Press said she would look into it.

Alan McGleasion, 64 Bond St, Gloucester, Ma.

Mr. McGleasion asked if there was an updated plan on line? The commission stated not yet but can come to office and get plan for a fee.

Susan Taormina, 115 Essex Ave, Gloucester

Ms. Taormina questioned a new FEMA map coming out. Mr. Jones confirmed there was one coming out and said the point measuring from has moved up and Does not seem to change for this area. The commission commented that the historic mean high water line is another issue and is not the jurisdiction of board, but good information to have. Mr. Jones explained what the Mean High Water is to Susan Taormina.

Mike DeRosa asked to continue to March 3 rd at 7:15 and stated that they are drafting up their comment regarding Mr. Jones comments and will send them to Lisa Press.

Ms. Press stated that they will need new additional funds to escrow for Bill Jones and John Crowe Associates.

Mike DeRosa clarified that the applicant does not own the property yet. Mr.Gulla recommended to Mr. DeRosa to inform the applicant of the pumping of water on the property.

Commission comments

The commission thanked Mr. Jones for the summery of his report and said they will individually review his report in depth. The commission also suggested to the public that all letters submitted need to have names and addresses on it and also suggested a sign up sheet for the record would be important to have for the appeals period.

The commission also informed the public that Gregg Cademartori notified them that this project would not be on the Planning Boards agenda for Thursday evening and has been continued to February 18.

Mike Derosa is the spokesperson for this project.

The recorder was not working for 2- 3minutes for this project discussion.

Motion: Move to continue to March 3, 2010 at 7:15

1st: Ann Jo Jackdon

2nd: John Feener

Vote: All approved 6-0

AGENT'S REPORT ON VIOLATIONS

AS TIME PERMITS:

COMMISSION BUSINESS

- A.** Requests for Letter Permits/ Minor modifications
28-1980 Mill Pond tide gate

- Max Shank

Mr. Shank explained that to increase flow in and out of Mill Pond they need to add an additional tide gate and that a flap gate would not work there. There will be 2 screws pulling the gate up and down. The scope of the project has not changed.

Motion: to approve minor modifications

1st Ann Jo Jackson

2nd: John Feener

Vote: All approved 6-0

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B. Requests for Certificates of Compliance

C. Requests for Extension Permits

28-1830 7 & 11 Hutchins Court

Presenter: Attorney Debra Ellison, Ellison Law Offices representing Mike Carrigan 77 Norwood Heights

Lisa Press is concerned if any work been started? Ms. Ellison stated that because of the economy and it's financial situation it has been an unusual and difficult times for builders to get financing. They are reluctant to begin on site because they would have to proceed slowly, which would create more disruption for the neighborhood. They are requesting an extension for one year until April 5th 2011.

Ms. Jackson asked for a timeline from start to finish. Mr. Carrigan stated that on the wetlands piece of property with in one year.

Ms. Jackson asked if the work will begin over the course of the full year. She stated she does not want to see the work begin at the end of the first year. She suggested start with a 6-month extension and then come back again. If nothing is started within a year it could come back to refilling.

Ms. Ellison stated that there has been no loosening of the financial requirements even though residential growth has improved a bit. She stated that they cannot make any guarantees at this point.

Motion: Move for a 1-year extension, but will go on notice that at the end of the year the commission will not give another extension

1st: Arthur Socolow

2nd: Ann Jo Jackson

Vote: All approved 6-0

Mr. Feener stated he would like to like to evaluate financial status regarding extensions. Mr. Gulla stated that extensions need to be more specific to what the extensions are for. Ms. Press stated that they should be put into the conditions and that they are discretionary.

Motion: To adjourn

1st: John Feener

2nd Ann Jo Jackson

Vote: All approved 6-0

D. Correspondence and Other Commission Business as time permits

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