

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

**Members Present:**

**Ann Jo Jackson, Chairperson  
Barry Gradwohl, Commissioner  
Charlie Anderson, Commissioner  
John Feener, 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.

Lisa Press presented information regarding the extension for the Kondelin Road Beaver Deceiver. Frank Ventimiglia, City of Gloucester Engineering Department was present and stated that the beaver deceiver needed to be cleaned out because of debris.

Ms. Jackson asked how long do you need the extension for?

Mr. Ventimiglia stated for one year.

Ms. Jackson asked if there is a maintenance plan? Ms. Press stated she was looking to see if there was one in place.

**Conditions**

- **Maintenance plan to be put in place if not already**

**Motion: To approve for 1 year which will include a maintenance plan acceptable to the commission unless there is one already in place.**

**1<sup>st</sup>: John Feener**

**2<sup>nd</sup>: Barry Gradwohl**

**Vote: All approved 4-0**

Lisa Press presented information regarding the extension for Atlantic Street Culvert replacement

Frank Ventimiglia, City of Gloucester Engineering Department was present.

Ms. Jackson stated that the orders of conditions need to be as stringent in the future as they are now. The extension is to follow new guidelines for culvert maintenance.

**Motion: To approve extension for 1 year**

**1<sup>st</sup>: Barry Gradwohl**

**2<sup>nd</sup>: Charlie Anderson**

**Vote: All approved 4-0**

## **II. PUBLIC COMMENT - None**

## **III MINUTES REVIEW**

The December 2<sup>nd</sup> & 16<sup>th</sup> minutes were reviewed and approved. December 2<sup>nd</sup> should be corrected to say recused.

### **Motion: To approve minutes with above corrections**

**1<sup>st</sup>: Charlie Anderson**

**2<sup>nd</sup>: Barry Gradwohl**

**Vote: All approved 4-0**

The February 3<sup>rd</sup> minutes were reviewed and approved with the following corrections Mr. Gradwohl stated the Hampton Inn square footage should read 16,112 and 41 Grapevine Road should read impervious. Mr. Feener corrected wording to read, "Anything above a caution label should not be stored"

### **Motion: Vote to continue review of minutes to next meeting.**

**1<sup>st</sup>: John Feener**

**2<sup>nd</sup>: Barry Gradwohl**

**Vote: All approved 4-0**

## **IV PUBLIC HEARING 7:15 PM**

**A. 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) APPLICANT REQUESTS CONTINUATION TO APRIL 21, 2010.

### **Motion: To continue to April 21 @ 7:15 to**

**1<sup>st</sup>: John Feener**

**2<sup>nd</sup>: Charlie Anderson**

**Vote: All approved 4-0**

## **B. Little River Campground Enforcement Order discussion**

### **Presenter: Alicia Robinson, Seekamp Environmental Consulting, Representing Peter Sova**

Ms Robinson submitted a letter to the commission regarding past issues and wanted to discuss the best way possible to move forward with the project. She stated that her client has not moved forward sooner because of financial issues.

### **Commission Comments:**

Ms. Press suggested taking a site walk this spring to get a fresh look at the property. Once the site visit is done we will put together a list of items to be completed. Ms. Press is very concerned about the coastal bank.

Ms. Jackson stated she is concerned about the sewer as is Dave Sargent and would like it completed first.

Ms. Robinson asked for recommendations of where her client should start work first.

Mr. Gradwohl asked "What is Sandy?"

Ms. Robinson stated it is a cottage. It has a bathroom that would have to be moved and then moved again once the sewer was put in.

Ms. Press asked Ms. Robinson to go on the site walk with her and if she was being paid for it.

Ms. Robinson stated she would go on the site walk and would be paid for it.

Mr. Feener stated that he would like all the issues addressed before moving forward.

Ms. Press stated that Mr. Sova would not do it all if all the conditions were presented to him all at once.

Mr. Feener suggested that if Mr. Sova would not do complete the items all at once, then have him complete two at a time.

Ms. Robinson and Ms. Press set up a site walk for Monday March 15 @ 2:00pm

Ms. Jackson stated she would like herself and Mr. Gulla to be notified.

Ms. Jackson stated that items to be completed would have to be linked and put into phases for Mr. Sova. The commission wants to be notified as each phase is completed.

Ms. Press stated that a report, site walk, and commission approval would be required before a new phase could begin. The phased approach will be mutually beneficial. Activities and items will be prioritized.

**D. New - at various locations**, Notice of intent submitted by the City of Gloucester DPW, to conduct general maintenance on publicly owned sewer collections system and water distribution system including main and service lines, hydrants, valves, manholes and catch basins in areas within and adjacent to resource areas.

**Presenter: Frank Ventimiglia City of Gloucester, Engineering Department**

Mr. Ventimiglia stated that other towns have received blanket approval for maintenance work to be done and thought it would be beneficial for the city to also receive permits.

#### **Commission Comment**

Ms. Jackson stated concern that it may not give the Agent sufficient notice to look at specific projects. It was agreed that;

- **The Agent will receive five days notice for projects in the Buffer Zone and two weeks notice for projects in a resource area.**

Mr. Feener asked if there would be soil disturbance.

Ms. Press stated that there might be some, especially for culvert work.

The commission also addressed seasonal restoration. They would like to see the area stabilized until it can be vegetated. Ms. Jackson also would like to see mitigation addressed.

Ms. Jackson requested a work schedule to be provided to the Commission.

Ms. Press requested that Mr. Ventimiglia to notify her prior to work being done.

Ms. Jackson asked if the work will be started soon.

Mr. Ventimiglia stated that some work in a buffer zone and catch basins could be done soon, however he was not sure yet.

Ms. Jackson stated that a schedule of projects will have conditions and that some areas cannot be worked on during certain seasons.

Ms. Jackson asked how the DPW is stockpiling materials and if they have mulch socks around them. She also asked what happens to the asphalt.

Mr. Ventimiglia stated that it is put in a pile and reused. It is located on a paved area.

**The Commission requested that a mulch sock to be put around asphalt pile.**

Mr. Feener requested that the city please identify any trees and DBA before they are cut down, as well as any significant vegetation. He also requested the removal of any invasives.

**Ms. Jackson & Mr. Gradwohl read & reviewed the conditions as written in Project Sequencing Document to the commission and public. (They are available for review at the Conservation Commission office)**

**Comments from the board:**

- Mr. Feener requested that the “woody plant” language be reworded.
- Ms. Jackson stated that she has mitigation concerns with “replication”
- DPW supervisor should be written throughout form
- Concrete trucks should be stated to “all trucks”
- Put address consistently through documentation

Ms. Press stated that she will have revised version of the document and it will be forwarded to the commission.

Mr. Feener suggested having contractors initial the conditions also.

**Public Comment: none**

**Motion: To continue to April 7 @ 7:15**

**1<sup>st</sup>: John Feener**

**2<sup>nd</sup>: Barry Gradwohl**

**Vote: All approved 4-0**

**PUBLIC HEARINGS 8:15 PM**

- A. New- at various locations**, Notice of Intent submitted by the City of Gloucester DPW, to conduct general maintenance and repair on publicly owned culverts and streams to maintain water flow and minimize erosion of the banks in areas within and adjacent to resource areas.

**Presenter: Frank Ventimiglia, City of Gloucester, Engineering Department**

**Commission Comment:**

Same as above

**Public Comment: None**

**Barbara Summers 223 Eastern Ave, Gloucester, Ma.**

Ms. Summers stated that there is a stream and is not sure if the stream is on private property. Mr. Ventimiglia stated that he would look into it.

**Motion: to continue to April 7 @ 7:15**

**1<sup>st</sup>: John Feener**

**2<sup>nd</sup>: Barry Gradwohl**

**Vote: All approved 4-0**

**B. New- at various locations**, Notice of Intent submitted by the City of Gloucester DPW, to conduct general maintenance on various City owned roadways, including fire and forested roads in areas within and adjacent to resource areas.

**Presenter: Frank Ventimiglia, City of Gloucester, Engineering Department**

**Commission Comment:**

**Same as above.**

**Public Comment: none**

**Motion: To continue to April 7@ 7:15**

**1<sup>st</sup>: John Feener**

**2<sup>nd</sup>: Barry Gradwohl**

**Vote: All approved 4-0**

**B. Continuation- 28-2041- 9 Rogers Street**, Notice of Intent submitted by Cape Ann Brewing Company, to construct a 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 reviewed the improvements to be done at 9 Rogers Street. The work includes a 14x19 addition over a paved area, 870 square foot deck, a small loading dock over a paved area, and two 1" pipes to be installed. A photograph showing the pipes location was presented.

**Commission Comment**

Mr. Feener stated his concern that the deck was covering lawn area and with items being dropped from the deck. He confirmed with Mr. Judd that the spacing for the decking is 3/16<sup>th</sup>, and the elevation is 16" separating the deck and grass. Mr. Judd stated that there is discussion of removing some of the impervious and replacing it with pervious pavers. Mr. Judd also confirmed that the deck would extend to the entire back of the building.

Mr. Gradwohl asked about the increase in salinity. The amount would be insignificant.

Ms. Press stated that they would have to get a NPDES permit and that they are very stringent. Mike Hale has been in the discussion and if the permit isn't given then it may go back into Gloucester sewer system. It does not seem like it will be an issue and if that was the case, it would not cause a problem.

Ms. Jackson confirmed that the pipes are to be elbowed per Dave Sargent and that the parking lot is not being changed.

The commission was in agreement that some mitigation should be done for the deck being built. Pavers could be put in place in some areas instead of asphalt. Mr. Feener would like to see some plantings on the sides of the building also for onsite pollution mitigation. Taking up some brick and asphalt would help the trees to breath and grow. They are half dead already.

The applicant stated he was not sure what he was going to do with one side of the lot. One idea was to create a dog park, however, he was not sure yet.

**Public Comment: None**

**Conditions:**

- **Planting plan**
- **DMF and NPDES approval**
- **Part of Impervious to be replaced with pervious**
- **No stone dust in between pavers**
- **Pipes are to be elbowed per Dave Sargent**

**Motion: To continue to April 7th @ 7:00**

**1<sup>st</sup>: John Feener**

**2<sup>nd</sup>: Barry Gradwohl**

**Vote: All approved 4-0**

- C. New, 21 Horton Street,** Notice of Intent submitted by Geoffrey Richon Co. for Beverly Shafer, to construct a gable roof, replace windows, add windows and repair concrete piers in a coastal resource area. (Map 128 lot 21).

**Presenter: Nicky Bach, 19 Duncan St, Gloucester**

Ms. Bach reviewed project parameters for the commission. She stated that all the windows will be replaced, the gable to be extended out 6', new peak windows, insulation to be blown in and 2 piers need to be repaired.

**Commission Comment**

Ms. Press informed Ms. Bach that she would need a Chapter 91 license before the pilings can be repaired.

Ms. Jackson asked how the pilings would be installed.

Ms. Bach said they are minor repairs and it will be done by hand.

Ms. Press asked if the work could be done at low tide.

Ms. Bach confirmed that she could.

Ms. Jackson asked if there would be a spill kit on site.

Ms. Bach confirmed there would be, as well a magnetic sweep daily, drop cloths will be in place, construction will be caught by hammock, debris will be trucked out daily as no dumpster will be on site. There will be a crew of two people and all power tools will be kept up front. Ms. Bach stated that most of the work would be done inside. A hose will be brought in for the insulation.

Mr. Feener wanted clarification of the type of insulation.

Ms. Back stated it would be **close cell or rigid**. She also confirmed that the new roof would terminate at end of the flat roof.

**Public Comment: None**

**Conditions:**

- **Installation of insulation to be done from inside**
- **2 not 5 Sona tube piling will be repaired**
- **Chapter 91 license needed prior to piling work being done**
- **No water work to be done**
- **If winds are 35mph and higher no work is to be done**
- **Daily magnetic sweep**
- **Construction to be caught by hammock**
- **Debris will trucked out daily**

**Motion: To approve**

**1<sup>st</sup>: John Feener**

**2<sup>nd</sup>: Barry Gradwohl**

**Vote: All approved 4-0**

**PUBLIC HEARINGS 9:15 PM**

- A. New- 10 Kirk Road**, Request for Determination submitted by Shirley Dean to construct a deck over an existing concrete patio in riverfront. (Map 101, Lot 54).

**Presenter: Shirley Dean, 10 Kirk Rd, Gloucester**

Ms. Dean would like to build a 10x20 deck off of the house 30' from the water. It will be built over concrete. Three holes will be dug for the posts and it will be elevated 2' above the concrete only.

**Commission Comment**

The commission confirmed that the cement edging goes around the concrete and would protect the surrounding area.

**Public Comment: none**

**Conditions:**

- **Storage of material to be away from water**
- **Daily clean up and truck material away**

**Motion: Negative Determination**

**1<sup>st</sup>: John Feener**

**2<sup>nd</sup>: Charlie Anderson**

**Vote: All approved 4-0**

- B. New- 165 Eastern Ave.** Notice of Intent submitted by Catholic Cemeteries Assoc. Calvary Cemetery, to construct paved roadways with storm drainage, to construct a berm and detention basin and add landscaping in the buffer to inland resource area. (Map 160 lot 5).

**Presenter: Rich Bradley, Catholic Cemeteries, & Dave Krispen, BFC Group**

Mr. Bradley stated that the project is in response to the shortage of space for Catholics to be buried in Gloucester.

Mr. Krispen gave an overview of the project stating that the plan is bring in a small driveway into the area as well as creating another driveway loop to exit.

There will also be an earth berm approximately 3' high which would protect the wetlands. They will use 3000 cubic yards of soil and there is existing soil already located on the property. He stated that as graves are dug the soil would be placed along the berm. It is the intent to have a natural buffer along the wetland.

The project will also include cremation spaces outside of the buffer zone. It may be a pre-engineered cremation station. Mr. Krispen is requesting up to 10 years to complete this project, because of its unusual nature. A full maintenance plan is in the NOI, calculations were sent to the engineering department, and a planting plan is in place. Mr. Krispen also stated that concrete grave boxes are used which adds extra protection to environment.

**Commission Comment**

Ms. Jackson confirmed that the grade behind the berm was a 5% grade and that the grade on the wetlands side was 5'.

Ms. Press stated that it would be helpful for the site to be staked out and suggested that they may want to pull it back a bit because of negative impact to the wetlands. A sign would also be placed in that area. She also suggested making the slope less steep on the wetland side.

Ms. Jackson requested information on how much impervious would be added and would like a break down for it in the buffer and outside.

Mr. Krispen stated he would get that information to the commission.

Ms. Jackson informed the applicant the mitigation will have to be put into place and it would be 2-1 closer to the resource area.

Ms. Press would like to have native plantings.

Ms. Jackson stated that a maintenance plan on file which would include trash pickup and perusal of property.

Mr. Krispen stated that money is put in perpetual care fund for maintenance. Mr. Bradley added that Catholic Cemeteries has recently stepped in to maintain the property.

Ms. Press informed the applicant that further up wetlands there are violations and dumping.

Mr. Krispen stated that has been there for years and his clients don't know much about it.

Ms. Press suggests that the area could be re-vegetated.

Ms. Jackson inquired about a designated staging area for the work.

Mr. Krispen stated that they would be using an existing staging area.

Ms. Press requested for the staging area to be moved back

Ms. Jackson stated that she would research a 5-year permit, however she will be looking at the wording and does not want to set a precedent.

Ms. Press stated that it would be up to applicants to guarantee its own extensions.

Mr. Bradley stated that they did not want to have to do it all at once, which may cause chaos. He felt it would better to do it in phases.

Ms. Jackson stated that she would like a master plan developed.

Mr Feener asked if there were trees below the berm and if the roots systems will be covered. He stated that this will have to be looked at more closely. He also asked if an alternative analysis plan needs to be done.

Ms. Press stated that it is not needed. She reiterated that she would like to see vegetation replacement, current staging area to be pulled back, the distance of the berm from the wetland pulled back and that a site visit is needed.

**Public Comment:**

**Barbara Summers 223 Eastern Ave**

Ms. Summers stated that this is a wilderness area and that the condition of the cemetery has deteriorated over the years. Back filling has killed trees, lots of trash has been dumped and the trash is still there. Plastic flowers are everywhere, and she does not see any maintenance being done. There are graves are sunk in, no fencing for plastic, and there is dumping on the far end- tv's, computer screens, etc. She stated that if it is not maintained now, she's concerned it won't be in the future. There should be fencing or some kind of barrier to prevent plastic from being blown around. There are very old apple trees that should not be taken down. The trash containers have been removed and the trash accumulates.

Ms. Jackson informed Ms. Summers to submit her comments in writing.

**Peter Briggs Presidents of Old Nugent Farm condominiums**

Mr. Briggs stated that he shares all of his neighbors concerns.

**Mr. Briggs read a several questions to the commission and the applicant to be addressed. (The questions presented by Mr. Briggs will be submitted to commission and can be reviewed at the Conservation Commission office.)**

Ms. Jackson stated to Mr. Briggs that many of his concerns are also the commission concerns, and will be addressed.

**Sandra Reiniecke, 27 Old Nugent Farm Rd**

Ms. Reiniecke stated that she has walked along the flags and the area was wet. If a wall for a crematorium is put into place they would have to cut down trees.

Ms. Jackson stated that it is out of conservation area.

Ms. Reiniecke stated she would like to be informed when the site walk would be done.

Mr. Bradley stated that he loves mature trees.

**Marvin Roberts 31 Witham St**

Mr. Roberts asked what the life span of a retention structure is.

Ms. Jackson stated that a maintenance plan would be in place as well as storm water runoff plans

Mr. Roberts also stated the planting were not appropriate for area. They were not native to the state or Cape Ann.

Ms. Press stated that the applicants have agreed to change plantings.

Mr. Roberts also stated concern that planting trees on a berm will shade everything on north side

Ms. Press stated she would like native shrubs.

### **Joe Gallo 14 Old Nugent Farm**

Mr. Gallo was concerned with any trees to be cut down. He stated at one time there was another layer of trees on the property that have been cut down and since that has happened there has been an increase in the water in the area.

#### **Conditions:**

- **Schedule site visit sat March 20 @ 3:30 all abutters welcome per Rich Bradley.**
- **Stake berm**
- **Stake driveways**
- **Tow of berm at wetland and peak of wetland to be staked**

**Motion: To continue April 7 @ 7:15**

**1<sup>st</sup>: John Feener**

**2<sup>nd</sup>: Barry Gradwohl**

**Charlie Anderson stated that the archdiocese was here last regarding a violation for dumping and is concerned that it has continued.**

**Vote: All approved 4-0**

### **AGENT'S REPORT ON VIOLATIONS**

40 Vine Street

8 Clarendon Street

10 Clarendon Street

#### **AS TIME PERMITS:**

#### **COMMISSION BUSINESS**

- A.** Requests for Letter Permits  
26 Thurston Point

To repair the existing pier, just the decking. Lisa would like him to be able to do the repair once he got his Chapter 91.

**Motion: To allow letter permit**

**1<sup>st</sup>: John Feener**

**2<sup>nd</sup>: Barry Gradwohl**

**Vote: All approved 4-0**

- B.** Requests for Certificates of Compliance

- C.** Requests for Extension Permits  
28-1844 COG culvert replacement Atlantic Street  
28-1868 beaver deceiver installation Kondelin Road

- D.** Correspondence and Other Commission Business as time permits

Enforcements only built crawl spaces not houses and is pumping out to a coastal bank 197 Hesperus Ave

Barry said there is also a leaky pipe leaking across the road not from her pumping it Lisa will check on leaky pipe issue.

Motion: issue a enforcement order 197 Hesperus and 193 Hesperus Ave

1<sup>st</sup>john

2<sup>nd</sup>charlie

vote: all

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](mailto: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](http://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**