

**CITY OF GLOUCESTER
CONSERVATION COMMISSION MINUTES
WEDNESDAY, May 19, 2010 - 7:00 PM
CATA CONFERENCE ROOM - 3 POND ROAD
ROBERT GULLA, CHAIRMAN**

Members Present:

**Robert Gulla, Chair
Arthur Socolow, Commissioner
Barry Gradwahl, Commissioner
John Feener, Commissioner
Steve Phillips, Commissioner
Charles Anderson, Commissioner
Lisa Press, Agent**

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.

RFD1242- 143 Wingersheek Road

Commission Comments:

Ms. Press stated this was approved at the last meeting but it did not get signed.

EO 284 Atlantic Road

Commission Comments:

Ms. Press was alerted to this by DEP as well as from other individuals. Someone has cleared a coastal bank and built a road and is driving on it. DEP wants a final date

II. PUBLIC COMMENT - None

III MINUTES REVIEW

Motion: Robert Gulla made a motion to approve the March 3rd minutes.

1st: Arthur Socolow

2nd: Charlie Anderson

Vote: All approved 5-0-1 with 1 abstention Steve Phillips

IV PUBLIC HEARING 7:15 PM

- A. New –RFD 1246- 65 Rogers St** Request for Determination submitted by the City of Gloucester, to remove debris, weeds, briar and chain link fence and to install fence in buffer to coastal resource area. (Map 9, Lot 1).

Presenter: Sarah Garcia, 3 Pond Rd, Community Development, City of Gloucester & Mayor Carolyn Kirk

Ms. Garcia reviewed the project at 65 Rogers St. stating that Mayor Kirk has been the driving force of this development. She has walked the property with the city agent and arborist John Feener. The proposal is to mow the grass, fill the potholes and grade at level. The turnaround to be dug up and planted to beautify. We are not

proposing any development at this time. We want to make it look tended and attractive. Ms. Garcia gave a brief history of the lot to the commission.

Commission Comments:

Ms. Press stated there are no concerns and the activities will not have any impact on the area. Mr. Feener stated to keep in mind that storm water requirements might occur if additional changes occur. Mr. Gulla wants to see a point person when the work is being done. Ms. Garcia stated Mike Hale or herself are the point people and boundaries will be given to workers.

Conditions:

- **No grading toward water to be done anytime**
- **Potholes will be filled with gravel or stones**
- **Sara Garcia or Mike Hale as contacts and someone to manage help**

Public Comment: None

Motion: Robert Gulla made a motion to approve the City of Gloucester request to remove debris, weeds, brier and chain link fence and to install fence in buffer to coastal resource area. (Map 9, Lot 1).

1st: Arthur Socolow

2nd: John Feener

Vote: All approved 6-0

B. New- 28-2060- 6 Sandy Way - Notice of Intent submitted by Robert Mucciarone, to replace deck on existing and to expand deck in buffer to coastal resource area. (Map 257 lot 9).

Presenter: Bill Manuel, Wetlands & Land Management, Danvers Ma

Mr. Manuel reviewed the project with the board stating they would be replacing the deck and that below the deck there is existing concrete patio and beyond that is filled, the ground surface has gravel. There is a dumpster in the driveway, When they rebuild the deck, it will extend over existing footprint and out to the retaining wall. A single post will be at end of retaining wall, and one new post in the middle of gravel. Proposed mitigation is on the plan. DEP had no comments.

Commission Comments:

Ms. Press stated it was a good plan. Mr. Feener suggested doing mitigation in the area between the houses to prevent expansion. However, the suggestion was not to appease any abutters.

Public Comment:

Kevin Kiley

Mr. Kiley stated his concern that expanding is the problem. He thought the owner bought it to flip it. If someone else comes in it might be built out more that it is. The impervious area is there for a reason and our concern it that the deck will be expanded more than it is.

Motion: Robert Gulla made a motion to approve the project at 6 Sandy Way - to replace deck on existing and to expand deck in buffer to coastal resource area. (Map 257 lot 9).

Conditions:

- **Standard boiler plated and mitigation as proposed**
- **No additional concrete**

1st: John Feener

2nd: Barry Gradwohl

Vote: All approved 6-0

C. New- 4 Stanwood Point -Notice of Intent submitted by Bernard Sova, Little River Campground, to re-locate house on a foundation, construction of walls, multiple building sewer connections and other site work in riverfront resource area. (Map 230 lot 69).

Presenter: Alicia Robinson Seekamp Environment

This plan is dated 5-3-10. Ms. Robinson reviewed the project with the commission. She stated they would like to start with hooking up the building to sewer, except for the old boathouse. Relocating Sandy by court order to another part of campground and other minor upgrades. Ms. Robinson read to the commission the project plan in a phased approach. (Available for review through the Conservation office @ 3 Pond Road). She stated that an Operation Maintenance plan is also in place. We will install Bayberry 5' on center and be Removing 18" strip of concrete by the pool. There will be a 6x6 landing for the dock.

Commission Comments:

Mr. Gulla stated the commissioners have not had a chance to review everything and have questions. We would like to see a wood dock. Get engineering to remove that, it has been done before.

Mr. Feener asked about the hand dug fire pit and what the maintenance plan for it is after. Also what will the fill be exactly, and estimate how much will be imported.

Public Comment:

Andrew Hines 38 Stanwood Ave, Gloucester

Mr. Hines asked if Sandy is within the buffer. Ms. Robinson stated yes and that it will be at grade, but has not seen elevation. Mr. Hines is concerned about the drainage onto his property.

Katherine Hines, 38 Stanwood Ave, Gloucester

Ms. Hines stated that we have been abutters for many years and there have been many violations. The last time they came before the commission it was supposed to come with an as built plan.

Mark Resnick, 16 Stanwood Point, Gloucester

Mr. Resnick fully supports the plan but has a few concerns, for sewer location etc. The plans shows my house connected to sewer system, restoration of the area and path of movement, and the sewer connection goes under my Aunts property.

Motion: Robert Gulla made a motion to continue the project at 4 Stanwood Point - Little River Campground, to re-locate house on a foundation, construction of walls, multiple building sewer connections and other site work in riverfront resource area. (Map 230 lot 69) to June 2 @ 9:15

1st: Barry Gradwohl

2nd: John Feener

Vote: All approved 6-0

D. Continuation- 28-2054- 27 Marsh Street, Notice of Intent submitted by Joel Soucy, to construct a new basement and first floor entrance, a new driveway, add a 2nd story to the structure and install a perimeter drain, in riverfront resource area. (Map 86, lot 7)

Presenter: Frederick Geisel

Mr. Geisel presented new pictures to the commission of the work to be done. We need to put a stoop in by the doorway, with small sono tubes, and pervious materials. On the other side we want to put in an entryway. The intention was to put in one block down 8" below grade, with stone on the bottom. The access to basement is two steps down. We had to remove from the plan the perimeter drain and existing sump pump. Our proposal is to put in an infiltrator on the high ground. The driveway will be crushed stone.

Commission Comments:

Mr. Gradwohl asked the size of the infiltrator. Mr. Giesal stated 3'wx6'l.

Mr. Gulla reiterated that there would be 2 stoops (two sono tubes for stoops 8" max 2 per porch), infiltrator, and redoing driveway with crushed stone

Conditions:

- **One day cut and fill**
- **Two sweet pepper bushes for mitigation of sono tubes and stoop.**
- **Rain barrel**
- **Please denote on plan where the sweet pepper bushes will be planted**

Public Comment: None

Motion: Robert Gulla made a motion to approve the project at 27 Marsh Street to construct a new basement and first floor entrance, a new driveway, add a 2nd story to the structure and install a perimeter drain, in riverfront resource area. (Map 86, lot 7)

1st: John Feener

2nd: Barry Gradwohl

Vote: All approved 6-0

V. PUBLIC HEARINGS 8:15 PM

A. NOI- 474 Washington St –Notice of Intent submitted by Ann Ziergiebel, to construct a pier, ramp and seasonal float in riverfront resource area. (Map 110 lot 16).

Presenter: Ann Ziergiebel, 474 Washington Street

Ms. Ziergiebel read to the commission the structure plan. (Available for review @ conservation office at 3 Pond Rd).

Commission Comments:

Ms. Press stated that the plan has been worked so it has no impact. There are two coastal banks. Ms. Ziergiebel has corrected documents for all parties involved and all have been satisfied. Mr. Feener stated that non evasive plants to be submitted with the Latin name preferably.

Conditions:

- **With amendment with clarification and planting be noninvasive or not on the do not plant list**
- **Storing float on non coastal area**

Public Comment: None

Motion: Robert Gulla made a motion to approve the project at 474 Washington St, to construct a pier, ramp and seasonal float in riverfront resource area. (Map 110 lot 16).

1st: Barry Gradwohl

2nd: John Feener

Vote: All approved 6-0

B New RFD 1245- 48 Rowley Shore- Request for Determination submitted by Mark & Diane Thompson to install a septic connection and construct a retaining wall for a patio under existing dwelling in a buffer to an inland resource area. (Map 141, Lot 39).

Presenter: Dave Dolloff, 70 Wheeler St ,Gloucester

Mr. Dollof explained the construction is 14' from the cleanout location. We will use a small machine for piping and the approximate depth will be 2 feet. There is all ledge in the area. It will be done in 1-2 days maximum. There is a stonewall between the wetlands.

Commission Comments:

Mr. Gulla asked about the highest point of new retaining wall. Mr. Dollof stated it is 24" tall (showed on plan) coming out below shingling. Mr. Gulla stated the reasoning is; the wall becomes impervious in nature and we will need mitigation for that. Do that math of the wall height and get the square footage. It will be 2-1 mitigation. Mr. Feener stated it would be good to add a 2 1/2-caliper tree. Let us know what tree you pick. Ms. Press stated it makes sense to plant near the wetlands.

Conditions:

- **1 day cut & fill**
- **1-- 2 1/2 caliper tree planted**

- Documents to be accurate (denote on plan what the black line is or get it off)

Public Comment: None

Motion: Robert Gulla made a motion to approve the Negative Determination for 48 Rowley Shore- to install a septic connection and construct a retaining wall for a patio under existing dwelling in a buffer to an inland resource area. (Map 141, Lot 39).

1st: John Feener

2nd: Barry Gradwohl

Vote: All approve 6-0

C. New 28-2057- 11 Lincoln Street -Notice of Intent submitted by Howard Williams, to replace a septic system in riverfront and ACEC resource areas. (Map 236 lot 37).

Presenter: Issac Rowe, Mill River Consulting

Mr. Rowe reviewed the project with the commission to remove an existing buried oil tank and replace the septic system. It is on 2.4 acres of property. It is a 1000-gallon oil tank, and the owner wants to put a smaller one in the basement. Soil testing has been done by the barn and decent soil was found. We also want to connect the building to the sewer and put in a 2000 tank. We cannot remove plumbing in the house. Erosion control will be around existing oil tank. There will be the removal of a 4" caliper tree as well as shrubs. Mitigation will be in place for those removals. Our access is off of Lincoln St. For the removal of the tank want to have it done at the same time, so we will only have equipment there once.

Commission Comments:

Ms. Press stated it is a positive for the septic and tank removal.

Mr. Gulla stated that it is a tight work area and if issues arise you will need to contact agent. Mr. Socolow wanted clarification of where the trees would go. Mr. Rowe pointed on plan. Mr. Gulla stated that trees should be grouped and Mr. Feener asked for specification of the tree and to take out the nail. He also wanted to know **the diameter of breast height of the tree to be removed.**

Conditions:

- **Contact Agent 72 hours before**

Public Comment: None

Motion: Robert Gulla made a motion to approve 11 Lincoln Street - to replace a septic system in riverfront and ACEC resource areas. (Map 236 lot 37).

1st:John Feener

2nd:Charles Anderson

Vote: All approved 6-0

E. New 25R Riverview Road -Notice of Intent submitted by Keith Everitt, for after the fact installation of walls, patios and deck expansion in riverfront resource area. (Map 95 lot 13).

Presenter: Frederick Geisel

This was an approval from 2005 and NOI. The original was submitted. Mr. Geisel explained the area on the plan to the commission. We need to expand the grass swale to what it was originally proposed to more than 4' wide. Also proposing to add an additional treatment swale. There will also be additional planting. Mr. Geisel went over planting list. Mr. Geisel stated he went through riverfront plantings and chose appropriate materials for high and dry, but occasionally flooding. The patio is stone pavers with moss in between.

Commission Comments:

Ms. Press stated there are no concerns other than to change planting plan and that the swale needs improvement.

Conditions:

- **Fix swale and enhance plantings**
- **Agent to review submittal**

Public Comment: None

Motion: Robert Gulla made a motion to approve 25R Riverview Road after the fact installation of walls, patios and deck expansion in riverfront resource area. (Map 95 lot 13).

1st:Arthure Socolow

2nd:Barry Gradwohl

Vote: All approved 6-0

VI. PUBLIC HEARINGS 9:15 PM

A. New- RFD 1247- 66 Dollivers Neck Request for Determination submitted by Dollivers Neck Landing, to replace boat ramp decking in a coastal resource area. (Map 204, Lot 35).

Presenter:Steven Conrad, 73 Dollivers Neck, Stephan Latassa, Contractor

Mr. Conrad presented pictures to the commission. He wants to repair and remove existing decking and cross members. We can't touch the pilings'. Conrad asked which decking does the commission prefers. Mr. Gulla stated that Spruce or Hemlock is good.

Commission Comments:

Mr. Gulla and Ms. Press briefly discussed establishing a policy on approving new decking products. They are waiting to see if the new products are safe and that is why it has been delayed.

Conditions:

- **Site to be cleaned daily- taken away in utility trailer**
- **Cutting of wood will be done up the street at 73 Dolliver St**
- **At the end of the job will go through with magnet drag**
- **Dumpster on site,**
- **If scope of project changes, the agent is to be contacted.**

Public Comment:

Andy Plickstein

The eelgrass and beach shouldn't be disturbed. Grass on other side of dock is a concern.

Motion: Robert Gulla made a motion to approve a Negative Determination at 66 Dollivers Neck, to replace boat ramp decking in a coastal resource area. (Map 204, Lot 35).

1st: Arthur Socolow

2nd Barry Gradwohl

Vote: All approved 6-0

F. New-, 32 Horton Street, Notice of Intent submitted by Ocean Alliance, to remove 2 petroleum storage tank buildings and to conduct soil sampling in coastal bank resource area. (Map 129 lot 4).

Presenter: Matt Webber, Ocean Lots, 585 Middlesex St Lowell Nobis Engineering

Mr. Webber stated they were contracted by the EPA, to perform rehabilitation for The Paint Factory. They are to remove 2 fuel storage tanks in a building. No work will be done near the paint factory. Build demolition will be completed in one day and removed off site. The tanks are above ground and are empty.

Commission Comments:

The commission stated that a construction sequence is needed. If you find something or not during the process the agent must be contacted. Pictures to be taken for proof of what was found. A plan must be in place if something is found. A containment plan must also be in place. State exactly what the process is, put in maximum in permit request. Mr. Gradwohl asked if there would be soil disturbance. Mr. Webber stated that the soil will be removed and then soil testing will be done.

Conditions:

The applicant is to submit a construction sequence.

If contaminants are found in the process of removing the pipe the agent is to be called.

The applicant is to take photos of open trench if something is to be found.

A containment plan must be in place.

Public Comment: None

G. Motion: Robert Gulla made a motion to approve 32 Horton Street, submitted by Ocean Alliance, to remove 2 petroleum storage tank buildings and to conduct soil sampling in coastal bank resource area. (Map 129 lot 4).

1st: Arthur Socolow

2nd: Charles Anderson

Vote: All approved 6-0

H. New – 40R Eastern Point Road, Notice of Intent submitted by Stephen McCarthy, to demolish and rebuild single family dwelling, and to add a paved driveway and retaining wall in buffer to inland resource area. (Map 132 lot 10).

Robert Gulla recused himself

Presenter: Steve McCarthy, 33 Thatcher Rd, Gloucester

Mr. McCarthy would like to tear down and rebuild on same footprint and make it square. He has approval from zoning. The structure is 20 x21 feet. I will need to put in a 30" retaining wall to connect. Mr. McCarthy showed where an intermittent stream was located. The water line will be run through the existing building. An Ash tree will be removed and all debris removed from site. Two 2 1/2" caliper Maple trees will be planted for mitigation.

Commission Comments:

Conditions:

- **Any excavation or backfill to be tarped**
- **During the excavation of the Ash tree- extend a sock 6" around tree past drip and fill in any gully and have extra soil on hand**
- **Submit planting plan for erosion control**
- **Debris will be removed as part of mitigation**
- **2 rows of siltation fence**
- **Roof runoff will be taken care of with rain barrels**
- **A maintenance program for trimming of shrubs and trees for the future**

Public Comment:

Jane Cullen, 1 Grapevine Rd, Gloucester

The neighbors have discussed the wetlands in the area and have seen the changes. There is significant tree damage, and we would like to have someone from the commission to come up and walk around.

Paul McGeary 21 Eastern Ave, Councilor

There are drainage issues in the area. We do not want to exasperate the issues.

Motion: John Feener made a motion to approve 40R Eastern Point Road, to demolish and rebuild single family dwelling, and to add a paved driveway and retaining wall in buffer to inland resource area. (Map 132 lot 10).

1st:Arthur Socolow
2nd:Barry Gradwohl
Vote: All approved 5-0

Robert Gulla rejoined commission at 10:07pm

VII. AGENT'S REPORT ON VIOLATIONS

275 Atlantic Road

Leann Robinson

Ms. Robinson explained to the commission why she did the work she did. She stated that the brush was overgrown. It became a dump and there was a rodent problem. It was also a fire hazard. All those things concerned me and I thought was doing a good thing.

Commission Comments:

Ms. Press stated that the area is a buffer zone and none of those reasons are good for stripping a buffer. The habitat is for animals and it has been stripped. We may have to have you replant the area. We may give it a year with some seed plantings. Ms. Press stated that we want it to regrow. We will see what will grow back and then put in some native seed grass. We will look at it in September. You must get approved seed grass from us. Mr Gulla stated you cannot continue to prune at will but you can come to us with a pruning plan. Ms. Press stated that we should define what is our jurisdiction for you. I will work with her first before we do an enforcement order. Mr. Gulla stated that; we feel it was an accident and not intentional on your part.

VIII. AS TIME PERMITS: COMMISSION BUSINESS

A. Requests for Letter Permits

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B. Requests for Certificates of Compliance

28-1871 Wingersheek Rd
28-1801 27 Beach Road
28-1804 38R Bass Ave
28-1806 135 Atlantic Road
28-2009 22 Riggs Point Road
28-1820 102 Wheeler Street

Commission Comments:

Motion:

1st:

2nd:

Vote

C. Requests for Extension Permits

28-1876 33 Emerson Ave

Mac Bell, 33 Emerson Ave Don Fudgin

Mr. Bell stated that Adam Costa handled it twice, and that it is my understanding it is good for 1 year. It is a developed site to compete for NOAA project and we have been

trying to attract a tenant. It was initiated it was 8-9 years ago and we are going onto the 1 extension on the first NOI

Commission Comments:

Motion: Robert Gulla made a motion to approve extension permit for 28-1876 33 Emerson Ave

1st: Arthur Socolow

2nd: Barry Gradwohl

Vote: All approved 5-0-1 John Feener abstained

28-1862 70 Poplar St

Essex Ave, Proposed veterinary clinic. Replacement tree not there, # 3 of conditions John Feener stated the area has reestablished itself. This was in a no wetland area. It did meet other criteria. This was for the lower area replication.

Rob Gulla stated that at the next meeting we must do a formal vote.

Frank Ventimiglia, City of Gloucester, Engineering Department

Violation at Way & Page

Mr. Ventimiglia explained the violation to the commission and gave a planting plan.

Conditions:

- **Wood chips to be put in**
- **No planting beyond pole line**
- **No planting with shrubs and or trees prone to Phytophthora root rot**

Motion: Robert Gulla made a motion to approve the planting plan for replanting the disturbed area on Page Street.

1st; Barry Gradwohl

2nd; Charles Anderson

Vote: All approved 6-0

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