

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

**Members Present:**

**Robert Gulla, Chair  
Ann Jo Jackson, Co Chair  
Charles Anderson, Commissioner  
Arthur Socolow, Commissioner  
Steve Phillips, Commissioner  
John Feener, Commissioner  
Barry Gradwohl, 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.

28-2058 32 Leslie O'Johnson Rd

**Commission Comments:**

Ms. Press provided the order of conditions to the Commission. They were reviewed and all members were in agreement of them.

**Motion: Robert Gulla made a motion to approve the conditions for the project at 32 Leslie O' Johnson Rd**

**1<sup>st</sup>: Ann Jo Jackson**

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

**Vote: All approved 7-0**

RFD 20 Bayberry Lane

**Commission Comments:**

Kent Ellis was present to answer questions regarding the cantilevered walkway. He explained the construction of the walkway to the board. He stated that there would be nothing on the ground anywhere. The steps will be made of Cedar; it will have open treads and risers and be elevated 28" from the ground.

Mr. Gulla stated that he had no problem with putting wood stairs with open slats, as long as the building inspector approves spacing on slats.

**Conditions.**

- **No Footings or slab**
- **Open treads and risers**
- **No pressure treated wood to be used**
- **Cantilevered walkway 28" from ground.**

**Motion: Robert Gulla made a motion for a Negative Determination for the project at 20 Bayberry Lane.**

**1<sup>st</sup>: Ann Jo Jackson**

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

**Vote: All approved 7-0**

**II. PUBLIC COMMENT - None**

**III MINUTES REVIEW**

The commission reviewed the minutes of the April 21 meeting.

**Motion: Robert Gulla made a motion to approve the Conservation Minutes of April 21.**

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

**2<sup>nd</sup>: Steve Phillips**

**Vote: All approved**

The commission reviewed the minutes of the May 5 meeting.

**Motion: Robert Gulla made a motion to approve the Conservation Minutes of May 5th**

**1<sup>st</sup>: Ann Jo Jackson**

**2<sup>nd</sup>: Steve Phillips**

**Vote: All approved**

**IV PUBLIC HEARING 7:15 PM**

- A. Continuation- 28-2068- MBTA Annisquam River**, Notice of Intent submitted by Holly Palmgrem, MBTA, to conduct geotechnical borings in the Annisquam River near MBTA railroad bridge.

**Presenters: Holly Palgrem, Al Jone, Colin Duncan, TRC**

Mr. Duncan stated that the project involved borings to be done. The borings are to find the conditions of the riverbed and to test the soil structure for constructability. It was originally proposed to do 3 borings off a barge. However, during the site visit, the discussion came up of the possibility of the need for more than 3 borings. The applicant decided to request the three additional borings and a letter was submitted to the Commission to do so. They will not happen at the same time, but in the future. There will be 7 borings total. The diameters of the borings are 3-5 inches and the holes would be filled in with sand.

**Commission Comments:**

Mr. Feener asked if 7 borings would be enough.

Mr. Jones stated that most likely they will be fine with 3 borings, but with the scope of the design we may need the additional.

Mr. Gulla asked if the commission should approve up to 10 borings at this time?

Mr. Jones stated that the cost is substantial to do borings.

**Public Comment:**

**Motion: Robert Gulla made a motion to approve up to 7 borings at MBTA Annisquam River. To conduct geotechnical borings in the Annisquam River near MBTA railroad bridge.**

**1<sup>st</sup>: Ann Jo Jackson**

**2<sup>nd</sup>: Arthur Socolow**

**Vote: All approved 7-0**

**B. Continuation - 30 Sleepy Hollow** Notice of Intent submitted by George Surabian, to demolish and re-build dwelling, add decks and stairs in a coastal dune resource area. Map 257, lot 36.

**Presenter: John Dick Hancock Associates**

Mr. Dick stated that engineering has had a site visit with Ms. Press. The project involves tearing down a single story dwelling and to replace it with a pile supported building in the exact footprint. There is a set of stairs going into a priority habitat, which I have just seen on the plan. The activity proposed is right up against it. The only change is the stairs. The deck is an addition above an impervious surface, which will be removed. The structure is to be demolished fully before a concrete pad is remove to help delineate the construction zone

**Commission Comments:**

Ms. Press stated that she is concerned because of the proximity of the dunes; a snow fence is needed. A tightly defined work area needs to be designated.

Mr. Gulla also stated concern about this project and referenced another property that was similar to the tightness of this site. The contractor of that project did not follow the order of conditions and the order was rescinded. How do we design this so that people understand that the documents are to be followed?

Ms. Press stated that she would want weekly monitoring of the work. She suggested a third party monitor or someone from Hancock.

Mr. Dick stated that whoever is hired has to be acceptable to the commission.

Ms. Press stated John has been fair and can monitor the project.

Mr. Feener suggested pictures to be taken daily to document 4 specific sites. Keep a daily log.

Ms. Press suggested that we could have caveats and start with the owner doing a daily log and if anything goes awry we can designate a third party monitor. We have not heard from DEP or Natural Heritage

Mr. Gulla stated that the commission needs to know a back up plan. Where are cars going to go, dumpster etc. The applicant should consider a third party monitor and maybe monthly to pop into the site from the commission.

Ms. Press stated twice a month would be good. Mr. Anderson stated every other week and Mr. Feener stated twice every 28 days. Ms. Press stated that we could start with John Dick and then go to a third party until we know how long this project will last.

Mr. Feener stated the contractors must inform the monitor and commission if there is no activity for more than 7 days.

Ms. Jackson stated that the dumpster is to be tarped at the end of work each day. Mr. Feener asked if the cinderblock wall would be removed. Mr. Dick stated it would be.

Mr. Dick stated that there is a wood plank fence in the road and it just dips into the property line.

**Public Comment: None**

**Conditions:**

- **Monitoring to be done two times in a 28 day cycle**
- **Dumpster to be tarped daily**
- **If fence to be replaced, it must be to dune standards**
- **Back up plan for cars, dumpster, etc to be submitted to commission**

**Motion: Robert Gulla made a motion to continue the project 30 Sleepy Hollow submitted by George Surabian, to demolish and re-build dwelling, add decks and stairs in a coastal dune resource area Map 257, lot 36 to July 21 @ 7:15.**

**1<sup>st</sup>: Ann Jo Jackson**

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

**Vote: All approved 7-0**

**C. New RFD 67 Atlantic Road Request for Determination submitted by Kent Ellis Co., to remove and replace, siding, roof, windows and decks and to construct an addition on a footing and a install a stone driveway in coastal bank resource area. (Map 70, Lot 17).**

**Presenter: Kent Ellis 5 Old Bray St Gloucester**

Mr. Ellis stated that this is an old house that is going to be completely renovated. The roof of the deck will remain. All of the decks are to be replaced in the same space and same footings. A half circle driveway will be installed with crushed stone and then a hand dug footing for a mudroom enclosing part of the existing deck. There will only be one footing. The size of the house takes up the whole lot except in the back and some green by the driveway.

**Commission Comments:**

Ms. Press stated that there is a second lot in the back that they are joining. It makes to plant shrubs along the woods in back.

Mr. Gulla stated, " the math for the planting plan needs to be done for the mitigation".

Sand needs to used for the cobblestones not stone dust and the dumpster needs to be tarped.

Mr. Feener suggested planting in the center of the half circle drive for mitigation.

**Public Comment: Helen Farr, 6 Pirates Lane**

Ms. Farr suggested doing low-level plantings for a better site line.

**Conditions:**

- **Planting plan to be submitted**

**Motion: Robert Gulla made a motion for a Negative Determination for the project at 67 Atlantic Road submitted by Kent Ellis Co., to remove and replace, siding, roof, windows and decks and to construct an addition on a footing and a install a stone driveway in coastal bank resource area. (Map 70, Lot 17).**

1<sup>st</sup>: Ann Jo Jackson  
2<sup>nd</sup>: Barry Gradwohl  
Vote: All approved 7-0

**V. PUBLIC HEARINGS 8:15 PM**

- A. Continuation- 28-2066- 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 Consulting**

Ms. Robinson stated that DEP had no comments. This plan shows the new location for Sandy is just outside the inner 100-foot line and have added cistern for roof runoff. A revised project narrative has been submitted to the commission.

Ms. Robinson updated the commission regarding the route will be for Sandy. It will be through the campground and if it can't be done, then it will be on the roadway. The intent is to keep the building on the property.

**Commission Comments:**

Mr. Phillips stated his concern of the lack of an alternative analysis for the site of Sandy. Mr. Gulla stated that a report was needed.

Ms. Robinson stated that a report was done and stated that there is no significant negative impact.

Mr. Phillips stated that no significant impact is one item to be addressed and the other is an alternative analysis.

Ms. Robinson read aloud her report to the commission stating what was addressed.

Mr. Phillips questioned Page 7-8 of the narrative. He stated he does not think it is good enough.

Ms. Robinson stated that other issues were addressed since the last meeting. The Bayberry shrubs will be space 5' apart.

Mr. Feener stated the Bayberry shrubs at mature height would have full growth in between.

Ms. Robinson informed the commission of Cell Tech Eco Path that will be used for walkways.

Mr. Gulla stated that any original pack must be removed first. It needs to be a continuously impervious system.

Mr. Gradwohl stated that a dump system needs to be put in and that Dave Sargent had concerns.

Ms. Robinson stated that it was not in the finances right now and was mentioned to the owner.

Ms. Robinson stated that the entrance to the house would be a wooden platform and not a concrete pad. The fieldwork would be done by hand and the hole from Sandy would be filled in with clean fill.

1<sup>st</sup>: Phase is the sewer

2<sup>nd</sup>: Phase is Sandy moving. Ms. Press is to be notified 48 prior to Sandy being moved.

3<sup>rd</sup> Phase needs to be staked or marked

Ms. Press stated she would like a construction sequence with some detail. There should one done before each phase.

Ms. Jackson stated that change notification to two full business days.

**Removal of impervious material for eco path needs to be replaced with site appropriate material.**

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Steve Phillips read an abutters letter (Mr. Hines) to the commission. He stated that he would not vote because an alternative analysis is needed.

Lisa read a comment from Dave Sargent's letter: It is recommended that the existing lift station located between the pool and "Windy" cottage be abandoned and a new sewer lift station be installed and located to an area that is less exposed to prevailing wintertime northwesterly winds.

Ms Jackson stated that she would feel more comfortable to continue until the loose ends are tied up.

Mr. Gulla stated that Mr. Phillips point is important and asked Ms. Robinson to draw by hand to show different options for alternative analysis as well as doing a written report.

**Public Comment: None**

**Motion: Robert Gulla made a motion to continue 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) to July 21 @ 7:15**

**1<sup>st</sup>: Ann Jo Jackson**

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

**Vote: All approved 7-0**

- B. Continuation- 28-2070-15 Totten Lane** Notice of Intent submitted by Paul Brodeur, to construct an addition to a dwelling on a frost wall foundation and replace a septic system in ACEC, riverfront, and coastal bank resource areas. (Map 252 lot 4).

**Presenter: Randy Burley, Mill River Consulting, 6 Sargent St**

Paul Brodeur, Trustee

Mr. Burley reviewed the project updates with the commission. He addressed the final issues; showed vehicle access, dumpster location, and added cross section of slope. The alternative analysis was presented for the different location for the addition and why they cant' build up. Because of the date of the existing parcel prior to 1961 (the deed showed 1958) the commission was able to approve the project. The addition can be built on Sona tubes. Some of area is boulder and some is soft ledge. Some of the ledge is rotted and will stabilize at some point. The intention is that no blasting will be done and whatever we get down to will be it.

**Commission Comments:**

Mr. Phillips stated that he has read the Gloucester Ordinance and there is a problem. As he had read the ordinance there is an exception on the upland edge and buffer, but not the ACEC. We can't allow you to do it. We cannot put a septic in ACEC.

Mr. Gulla asked if it could be pulled out the resource because it is so close. Mr. Burley stated that it could potentially be done. The project being done on Sona tubes resolves

the machinery issues, but it comes back to septic issue. I recommend we reschedule again and continue to 7:05 if they can move the septic out of ACEC.

**Public Comment: None**

**Motion: Robert Gulla made a motion to continue 15 Totten Lane Notice of Intent submitted by Paul Brodeur, to construct an addition to a dwelling on a frost wall foundation and replace a septic system in ACEC, riverfront, and coastal bank resource areas. (Map 252 lot 4) to July 21 at 7:05.**

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

**2<sup>nd</sup>: Ann Jo Jackson**

**Vote: All approved 7-0**

## **VI. PUBLIC HEARINGS 9:15 PM**

**A. New- 114 Eastern Point Blvd.**, Notice of Intent submitted by Robert Crandall, to raze and rebuild structure, install septic system, relocate driveway and remove 3 trees in buffer to an inland resource area. (Map 137 lot 16).

**Presenter: Randy Burley, Mill River Consulting Jan Crandall 117 Eastern Point Blvd**

Mr. Burley reviewed the project with the commission stating that it is a 40-year-old single family. There is a high water table. The existing septic failed which was redesigned and approved for a 4-bedroom house. There are two sumps in the basement. The house will be raised up eliminating the foundation and will have crawl space. Audubon land surrounds it. The existing house is 40' from pavement and proposed house will be the same. The patio will be made up of pervious pavers. The nose of the driveway is in the buffer. One of the main reasons we are here, is there are trees to come down. There is a 48" DBH oak tree where the driveway will be, a 16" oak in the proposed driveway in back, and an oak by the deck. Mitigation for the trees will be 10 trees planted. Plantings will be in buffer zone.

### **Commission Comments:**

Mr. Gulla stated that documentation for the materials used and filler in between to be clarified. It needs to be documented. He also stated that these are very large trees; please explain to the commission why they have to come down. It may require more discussion.

Mr. Burley stated that the trees are a hazard to this house being built here.

Mr. Gulla stated that if it's a real safety issue then we could look into it.

Mr. Gradwohl asked about the geothermal wells, "What the transfer of fluid is is it hazardous to the environment?"

Ms. Press stated that a house in Manchester, where the trees were a big issue, and they built the house first and then the application to take down the trees was filed. They came back and said the trees were a hazard to the house.

Mr. Gulla set a date for the site visit for July 12 at noon. He asked Mr. Burley to look at runoff issues.

### **Public Comment:**

Gordon Baird 27 Fort Hill Ave

Neil Wallace is a direct abutter, my uncle—our family has no opposition to this project. We would like it stated for the record that the order of conditions that on the Wallace or Raymond family lands there will be no cuttings.

**Motion: Robert Gulla made a motion to continue 114 Eastern Point Blvd., Notice of Intent submitted by Robert Crandall, to raze and rebuild structure, install septic system, relocate driveway and remove 3 trees in buffer to an inland resource area. (Map 137 lot 16) to 9:15 to July 21**

**1<sup>st</sup>: Ann Jo Jackson**

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

**Vote: All approved 7-0**

**C. New- 9 Kirk Road,** Notice of Intent submitted by Dennis Silva, to construct a pier, ramp and float in a riverfront resource area. (Map 101 lot 52).

**Presenter: Dan Ottomheimer, Mill River Consulting, Dennis Silva, 9 Kirk Rd**

Mr. Ottomheimer stated that the property used to have a dock. We have met with Ms. Press, Dave Sargent and Jim Caulkett. There will be a new concrete pad with 2 pilings, float and ramp to get down to the float. It will be hand excavated and materials will be on a tarp and covered at end of each day. The pier, ramp and float will be constructed off site. Pilings will be drilled in by barge during tide cycle. Alternatives are to maybe sharing the dock with 7 Kirk Road, which was not acceptable. We also looked at a Neighborhood Assoc. common land and it involved much more conservation land. This is best location for the environment. There is 20' square feet of mitigation.

**Commission Comments:**

Ms. Press stated that the largest float we have ever allowed is 10x12

Mr. Ottenheimer stated we are open to a 10x12 float.

Ms. Press asked if the rock in the salt marsh can be removed and use that area for piling.

Mr. Silva stated that one piling would not be stable enough according to the contractor.

Mr. Gradwohl stated that note number 8 had question/ please remove the note. He also stated that there doesn't seem to be any anchorage.

Mr. Silva stated that we want to see what there is for a rock outcrop is and if needed we will anchor.

Ms. Press stated that part of the mitigation could be to take the bittersweet out.

**Public Comment:**

Helen Farr, 6 Pirates Lane

Ms. Farr commented on studies that have been done about docks

Ms. Press stated she would like to encourage community docks. It's a discussion to be had.

Mr. Gulla stated that an alternative analysis needs to be clear and in depth.

Mr. Feener suggested an area for a planting plant. He also stated the uplands storage to be clarified and to be more explicit for the maintenance.

**Motion: Robert Gulla made a motion to continue, the Notice of Intent submitted by Dennis Silva, to construct a pier, ramp and float in a riverfront resource area. (Map 101 lot 52) to July 21 at 9:15.**

**1<sup>st</sup>: Ann Jo Jackson**  
**2<sup>nd</sup>: Barry Gradwohl**  
**Vote: All approved 7-0**

**VII. AS TIME PERMITS: COMMISSION BUSINESS**

**A.** Requests for Letter Permits/ Modifications

**VIII. AGENT'S REPORT ON VIOLATIONS**

40 Vine St

Barbara Reed, 1 Hillside Ave, Burlington, MA.

Commission Comments:

Ms. Reed stated the deck around the house was a safety hazard. She was notified by building inspector about it. Regarding the tree issue: there were two trees missing and one grew out through the deck. There is a wall surrounding an outdoor oil tank.

Mr. Gulla asked if the deck was being replaced and Ms. Reed stated it was. Mr. Gulla stated that she would need to file an NOI and will need to replace the tree. Also the oil tank will have to be removed, moved to the basement or convert to gas. Mr. Gulla explained the Rivers Protection Act to Ms. Reed.

Ms Reed stated she was not in the position to do anything yet.

**Conditions:**

- **Plant 3 trees down toward river bank with a 2 ½ " diameter**

450R Washington St

Commission Comments:

Ms. Press stated to postpone it to the next meeting.

**B.** Requests for Certificates of Compliance

28-1908 3 Thurston Lane

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**Motion: Robert Gulla made a motion to approve the Certificate of Compliance for 3 Thurston Lane**

**1<sup>st</sup>: Ann Jo Jackson**

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

**Vote: All approved 7-0**

28-1892 39 River Rd

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**Motion: Robert Gulla made a motion to approve the Certificate of Compliance for 39 River Rd.**

**1<sup>st</sup>: Ann Jo Jackson**

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

**Vote: All approved 7-0**

**C.** Requests for Extension Permits

28-1910 149 Atlantic Road

Commission Comments:

Commission discussion stated they were not ready to build.

**Motion: Robert Gulla made a motion to approve the Extension Permit for 149 Atlantic Rd**

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

**2<sup>nd</sup>: Steve Phillips**

**Vote: All approved with Arthur Socolow abstaining. 6-1**

28-1889 458 Washington St

Commission Comments:

Ms. Press stated the applicant is not moving forward due to economics, but cannot tell from the grid what the timing is.

Mr. Gulla stated concern that he is starting one project and then is starting another.

Mr. Feener stated the commission needs to know what work that has been completed.

**Motion: Robert Gulla made a motion to approve the Extension Permit for one year for 458 Washington St.**

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

**2<sup>nd</sup>: Steve Phillips**

**Vote: All approved with Arthur Socolow abstaining 6-1**

Lanes Cove violation

Mr. Gulla stated that Suzanne Egan recommended holding a hearing. Ms. Egan would be in attendance. Mr. Gulla spoke to Mr. Ruberti and informed him of the procedures of the hearing and why it was necessary.

Mr. Ruberti stated that "this is getting out of hand". He asked if any of the Commissioners had read his letter. All of the Commissioners raised their hands.

Mr. Gulla stated to Mr. Ruberti that you had admitted to pruning, but did not do all of it.

Mr. Phillips stated his concern that the commission was questioning him.

Ms. Press stated that when she saw the site, she knew Mr. Ruberti had done some of the pruning but was not sure he did all of it. We have no way of determining these facts. Suzanne Egan said to have a sworn hearing. This level helps you and protects your rights.

Mr. Ruberti stated that he named people in letter and that there is a dirt area where underage drinking occurs. He has complained to the police. (Referenced email sent to Ms. Press) Mr. Ruberti stated that he has been threatened and there has been damage to his property.

Mr. Phillips recommended to Mr. Ruberti "that you do not continue". Mr. Phillips urged Mr. Ruberti consult with a lawyer. Something that is on the record here could be used against you. There will be plenty of time to talk.

Mr. Gulla told Mr. Ruberti that a hearing will be posted and you will be notified. Please be clear on what you did cut. We understand there have been big issues here. But we have to stay with the conservation issues.

Ms. Press stated that the city punishment for every city tree destroyed cost the violator \$350.00. The city replaces it. These trees are not taken down; we do not know who has done all this work, so there is a fuzzy area.

Mr. Phillips stated that the worst-case scenario is that a criminal case will be filed against you.

Mr. Ruberti thanked the Commission for their advice.

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**