

**CITY OF GLOUCESTER  
CONSERVATION COMMISSION MINUTES  
WEDNESDAY, September 1, 2010 - 7:00 PM**

**City Hall, Kyrouz Auditorium  
ROBERT GULLA, CHAIRMAN**

**Robert Gulla, Chairperson  
Ann Jo Jackson, Co-Chair  
Steve Phillips  
Barry Gradwohl  
Charles Anderson**

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

**The commission experienced technical difficulties in projecting project documents to the public and commission members for review.**

Chair Robert Gulla opened the meeting at 7:20pm.

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

28-2072 30 Sleepy Hollow Rd

**Motion: To continue 28-2072 30 Sleepy Hollow Rd to September 15, 2010 at 7:05 pm.**

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

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

**Vote: All approved 5-0**

28-2082 28 St Louis Ave

**Ms. Press** stated that she had written up conditions, but was still waiting for Engineering approval and the math for mitigation.

**Presenter; Bill Manuell, Wetland and Land Management, Danvers, Ma.**

**Mr. Manuell** stated that the overall reduction of impervious is 660 sq feet for the overall project and 95 of that in the buffer zone, one tree will be lost, and Honeysuckle will be removed as suggested by the commission. A two-inch diameter tree will be provided. We had Gateway Consultants provide a drainage plan for engineering and it was submitted to Melissa. They did a pre and post race of runoff and there was a small reduction of runoff due to the decrease in impervious area. Engineering stated that they would need 30 days to review the plan. Mr. Manuell stated that in his cover letter that was submitted to the commission that if there was any work outside of the buffer, that we would not have to come back before the commission.

**Ms. Press** stated that believes that Melissa will not make many changes.

**Motion: To approve 28-2082 28 St Louis Ave**

**Conditions:**

- **If Engineering review reveals work to be done in the buffer the applicant will be required to come before the commission again.**

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

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

**Vote: All approved 5-0**

## II. PUBLIC COMMENT - None

### IV PUBLIC HEARING approximately 7:15 PM

- A. Continuation-28-2080- 82 Hesperus Avenue** Notice of Intent submitted by Joseph Amicone to demolish dwelling and garage and construct new dwelling. Pool and patio only in buffer to coastal bank resource area. (Map 192 lot 14).

**Presenter: John Judd, Gateway Consultants**

**Mr. Judd** stated that this was a buffer zone application. There was a site visit a few weeks back with Ms. Press and she was not concerned about the numbers in existing and proposed in the buffer. The project consists of removing the patio and dwelling. We have 120 sq ft reduction in impervious and are moving everything back. The existing dwelling and patio will be coming up and the proposed patio will be a loose laid block. All work will be in alignment with the erosion control sock standards.

**Commission Comments:**

**Ms. Press** stated that most of project is outside of buffer zone to coastal bank

**Mr. Gradwohl** asked what type of disinfectant would be used for the pool. It is unacceptable to drop non-dechlorinated water on the site.

**Mr. Judd** stated that they would find what is acceptable and use that.

**Mr. Gulla** stated concern regarding the chemicals used in the pool.. Is there a spot we can designate for the water to go?

**Ms. Press** stated that for similar projects we have required for them to pump out the water and have it trucked off site.

**Mr. Gradwohl** inquired about routine back wash and filter maintenance.

**Mr. Judd** stated that is would not be a problem as one side of the pool is outside the buffer zone.

**Public Comment: None**

**Conditions:**

- **Approved chemicals for pool use**
- **Water to be pumped and trucked off of site**

**Motion: To approve 28-2080- 82 Hesperus Avenue submitted by Joseph Amicone to demolish dwelling and garage and construct new dwelling. Pool and patio only in buffer to coastal bank resource area. (Map 192 lot 14).**

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

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

**Vote: All approved 5-0**

- B. Continuation- 135 Coles Island Road,** Request for Determination submitted by H A Patrican, to re-construct greenhouse on existing foundation and to install sewer grinder pump in buffer to ACEC resource area. (Map 259 Lot 6B).

**Presenter: John Judd, Gateway Consultants**

**Mr. Judd** stated that this was a renewal of a Request for Determination granted in July 2007. It includes the installation of a Grinder Sewer Pump, which is 2 ½ in diameter. There will be no grading and fill as the dwelling will be built on the existing foundation.

The entire lot is 5 ½ acres. Mr. Judd showed the plan to commission as the projector was not working and explained the site to them.

**Commission Comments:**

**Ms. Press** stated that the main intrusion is the digging of the septic. There are no concerns about this, just the vegetation that will need to be reestablished, and where construction materials will be stored and vehicles how they will get in.

**Ms. Gulla** stated that because we are having trouble with our projector, we might have a 72-hour prestart to this.

**Public Comment: None**

**Conditions:**

- **Vegetation to be re-established**
- **Construction materials storage site to be established**
- **Clarification of vehicle access to site**

**Motion: To approve for a Negative Determination for 135 Coles Island Road, submitted by H A Patrican, to re-construct greenhouse on existing foundation and to install sewer grinder pump in buffer to ACEC resource area. (Map 259 Lot 6B).**

**1<sup>st</sup>: Steve Phillips**

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

**Vote: All approved 5-0**

**C. New-28-2086- 26 Thurston Point Road-** Notice of Intent submitted by Rebecca Loos, to re-construct dwelling foundation, add an addition, construct a boat house and replace pier and float in buffer to coastal bank and riverfront resource area. (Map 97 lot 11).

**Presenter: Bill Manuell, Wetlands and Land Management**

**Mr. Manuell** stated that this was a project that had an interim Chapter 91 License. The license has expired and we are in the process of getting a new one for the pier. The project has evolved into the renovation of the existing home. It is 160 feet away from the river and 34 feet higher. For the housework we are out of buffer zone, we are in riverfront but we are compliant with riverfront impact thresholds. With respect to the pier, there is an existing rock /pier with wood supports and those will not be touched so there will be no digging for the new supports, and we will replace the decking, replace the ramp and rebuild the floats and add a T float at the end of it. Jim Caulket, Dave Sargent and Lisa Press have no problems with the site.

The home renovation gives a net increase of 64 square feet of impervious and will give back 128 feet in mitigation near the river.

The commission members viewed the project on Ms. Press's computer screen to get a better idea of site and project details.

Mr. Manuell reviewed the Alternative Analysis for the boathouse. It was about 20 feet closer to the water and will be used to store equipment. We selected a location that was a pile of rocks, a rock outcropping and thought that would be a better location. Its purpose is to store equipment for the boats will not require the removal of vegetation.

**Commission Comments:**

**Mr. Gulla** asked Mr. Manuell if he has resolved the issue from DEP's comments.  
**Mr. Manuell** stated it was an oversight and will look into it.

**Public Comment: None**

**Conditions:**

- **If there are any issues that come up with Marine Fisheries, the commission must be informed.**

**Motion: To approve 28-2086- 26 Thurston Point Road submitted by Rebecca Loos, to re-construct dwelling foundation, add an addition, construct a boat house and replace pier and float in buffer to coastal bank and riverfront resource area. (Map 97 lot 11).**

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

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

**Vote: All approved 5-0**

- C. New – 28-2089- 644 Washington Street**, Notice of Intent submitted by Gary Benton, to construct an addition, to a dwelling with a cantilevered deck in buffer to and riverfront resource area. (Map 113 lot 7).

**Presenter: Bill Manuell, Wetlands and Land Management**

**Mr. Manuell** stated that this application was from a year ago and at that time we opted to withdraw to have further discussions with the neighbors. We have hopefully reached a better agreement. We will be removing the deck on the left side of the plan. It brings the outside living space further away from the property. There will be a pier extending out over the marsh and there was initial concern of having adequate sunlight to reach underneath for the vegetation below. Because the pier will be elevated –10'– there will be adequate sunlight. Dave Sargent's initial concern was that he didn't want any impact on the marsh. It will be cantilevered and trusses will be prefabricated in the home and incorporated into the framing of the house so there will be no foot traffic on the marsh. The parking area will be extended by a width of two feet from front of house and will allow vehicles to open up their doors. It is on a sunken courtyard. We will rebuild a 4' wide walkway to get from the driveway to the rear deck. It is the same plan as last time just less of it.

**Commission Comments:**

**Ms. Press** stated that even though the pier will be cantilevered and no post will be in the marsh, there is still work over salt marsh, there is still shading and it's still setting a precedent. The impacts and exceptions to work in a salt marsh apply to water dependent uses, which this is not. If you allow this you are setting a precedent for other things being built over salt marsh.

The second issue is, the deck is in riverfront and if the proper Alternative Analysis were flushed out it would show that there are other options for the pier.

**Mr. Manuell** stated that DEP does not have any comments and with respect to the pier and the precedent, I don't believe in a precedent because each site has its own qualifications. The shading impacts over the marsh and the way we deal with that is to provide adequate separation between the deck of the structure and the marsh. The Corps of Engineers specifies a 1-1 height to width ratio. The deck is not covered. In talking with Dave Sargent, it is clear that even with the building, marsh coming up

toward the seaward side of the building. The marsh was healthy and it's getting adequate light in spite of the fact that this building is here.

**Mr. Manuell** stated that he did not think there would be any impact with shading. We have given a detailed construction plan and have show we will not even step on the marsh.

**Mr. Gradwohl** questioned Shellfish comments and approving something to be built on land that wasn't owned by the applicant.

**Mr. Manuell** stated he had not seen the comments yet.

**Mr. Gulla** stated that the commission recently was presented with the same issue. We can only go by the documentation that is provided to us. We don't have to overly concern ourselves with this. It is good to ask the question though.

**Mr. Phillips** asked for clarification on what the issue was.

**Mr. Gulla** stated that in the earlier design the pier was cantilevered over someone else's property.

**Public Comment:**

**Bertrum Wolffson, 81 Riverview Rd., Gloucester, Ma.**

**Mr. Wolffson** gave Rob Gulla his comments to read to the commission and public.

**Mr. Gulla** advised Mr. Wolffson as to what the next step is in the process.

**Robert Zerbe, 81 Riverview Rd., Gloucester, Ma.**

**Mr. Robert Zerbe** stated that if this is allowed it will allow anyone in the city to be able to build over wetland and marsh. We have had family here for over 200 years. We are trying to preserve everything that is there. He does not live here. He lives out of town.

**Mr. Wolffson** stated that the property belongs to Robert?? and we are very concerned. Ms. Press stated that the parking changes are a good idea. The concern is building over the salt marsh and there are better Alternative Analysis options.

**Mr. Gulla** asked Mr. Manuell if he would like to continue to take time to review Dave Sargents comments.

**Mr. Manuell** stated he would.

**Motion: To continue 28-2089- 644 Washington Street, Notice of Intent submitted by Gary Benton, to construct an addition, to a dwelling with a cantilevered deck in buffer to and riverfront resource area. (Map 113 lot 7) to October 6<sup>th</sup>.**

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

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

**Vote: All Approved 5-0**

**There are no comments by DEP on this project.**

Rob Gulla recused himself at 8:13pm

**D. Continuation – 28-2088- 25 Wingersheek Road**, Notice of Intent submitted by Samuel Saccardo to construct a deck addition, stone driveway and installation of a geothermal heat pump in barrier beach resource area. (Map 257 lots 250).

**Presenter: Bill Manuell, Wetlands and Land Management**

**Mr. Manuell** stated that the project has changed and we have filed a new NOI. We were asked to clarify several items.

-Cement used for the utilities lines; the answer is no because it is not a public way. It will be a direct buried underneath the driveway.

-The crane use and its stabilization as to not to impact the dunes; large wooden blocks will be placed under the outriggers so the pressure is dispersed over a larger area.

-The entire site is dune and barrier beach is marked clearly on the plan

-How are going to keep vehicles on the driveway. The owner would like to put a post and rail fence. It will go along the edge of the driveway.

-DEP on the Geo Thermal heat system Wells- There is documentation on the website that I submitted to you. It mentions the responsibility to obtain the proper permits. The commission has to evaluate the project in relation to the performance standards. The drilled wells are encased in steel. It is the same as a driven pile. It is a closed system no exchange of fluids.

### **Commission Comments:**

**Ms. Jackson** asked how deep the wells were and how long did they last.

**Mr. Manuell** stated that the casing itself goes down to the bedrock. Then there is grout seal where it interfaces with the bedrock. It's PVC. It lasts hundreds of years.

**Ms. Jackson** stated that she read it lasts 20year, but was not sure.

**Mr. Gradwohl** stated that he has the MSDS sheets and it would be good to know what the transfer liquids will be. He also stated that the conditions that Ms. Press wrote up are extensive and would like to add a condition that the contractors of significance are to sign off that they understand the conditions of the project.

**Ms. Press** stated that in the original order of conditions that there would be no gravel driveway.

**Mr. Manuell** stated that it was from the original order of conditions that were amended. Now we know that DEP does allow gravel/pea stone drives.

It was confusing at the time and that is when we came back to discuss the conditions. We would like to eliminate all those extraneous conditions.

**Mr. Gradwohl** clarified that Mr. Manuell would like to remove some of original conditions that do not pertain to the project anymore.

**Mr. Manuell** stated he would like to remove anything related to putting down blocks etc. It is not part of plan anymore. The first order of conditions allowed the house but didn't allow a driveway.

**Ms. Jackson** stated that they would be eliminating conditions 4, 5, 6.

**Ms. Press** stated that the gravel was not the issue. There is a lot of vegetation in the area. The vegetation is the issue and DEP has rules about removing vegetation.

**Ms. Jackson** stated that there are no comments from DEP.

**Mr. Manuell** stated to remember where the driveway is going. There is no vegetation there. He also stated that this was the site of an old hotel and that there was a straight shot to the site.

**Ms. Press** stated that she is waiting for Kathryn Glenn's CZM comments and would like to have those first before proceeding.

**Mr. Manuell** stated that CZM takes a long time to comment.

### **Public Comment: None**

**Ms. Jackson** asked if a call could be made to get a time line on the comments.

**Ms. Press** brought up more pictures on the computer for clarification.

**Mr. Manuell** stated that the plan does call for 6300 square feet of dune mitigation. If there are areas on site where things are not appropriate the applicant is very open for an off site conversation.

**Ms. Jackson** asked about how much of vegetation is coming out.

**Mr. Manuell** showed the commission on the plan where the work would be done.

### **Chris McCarthy 90 Dennison St, Gloucester**

**Mr. McCarthy** stated that the modular home coming in is on a truck that is 8 'wide. There is a wood padding that is put down to distribute the weight. Once the crane is set up, the home is hooked onto the crane and guided in.

**Mr. Gradwohl** stated that this is complex enough that the major contractors should sign off on the conditions.

**Ms. Jackson** reviewed some of the main concerns to be addressed and stated that many of the old conditions will be carried over;

- **Waiting on CZM comments on the Geo Thermal**
- **The site jurisdiction has been clarified that it is all barrier beach and coastal dune**
- **Planting plan to delineate the driveway.**
- **Fence—post and rail delineating the driveway**
- **The utilities will not be encased in cement**
- **The crane set up will be supported**

**Motion: To continue 28-2088- 25 Wingersheek Road, Notice of Intent submitted by Samuel Saccardo to construct a deck addition, stone driveway and installation of a geothermal heat pump in barrier beach resource area. (Map 257 lots 250) to September 15 at 7:05pm.**

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

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

**Vote: All approved 4-0**

**MSDS sheets to be forwarded to the commission by Bill Manuell**

**Rob Gulla rejoined the commission at 8:40pm.**

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

- A. New- 28-2085- 101 Wingersheek Road, Notice of Intent submitted by Mariann Shiel, to improve grading/drainage to site, install plantings and seasonal patios and walkways and install a lattice skirt to dwelling in barrier beach resource area. (Map 261 lot 27).**

### **Presenter: Bill Manuell, Wetlands and Land management**

**Mr. Manuell** stated that this project was given an order of conditions to build house about 5 years ago and those conditions have expired. We also need a landscape plan. We are not bringing material offsite and are adding indigenous vegetation. All the modular decking is appropriate for dune and will be removed seasonally and is portable. A concern is puddling that occurs underneath the home. There is a lot of stone dust from the previous house that has created a crust over the dune and won't let the water seep through. The applicant wants to address it. When the piles were back filled originally they were not leveled well. It has created a depression that is 3- 3 ½ feet

deep under the home. We want to import light grain dune material from Bentley Warren. Its called white sand that has been excavated from foundation from various places on the beach and it is very similar to the material that is there. It would be used to raise the grade under the home to fill that depression while still maintaining the 2' requirement. We want to scrape the stone dust out from the edge of property line and replace it with a pea-stone walkway that would coincide with the drip line of the house. The water that comes from roof will be able to seep into the ground and be dispersed. Lattice will also be installed around the perimeter of the home. It will be 50% opening. A privacy fence will also be installed with 50% opening as well as a landing and steps to either side of the patio units. (Referenced plan)There is also a planting list and it is consistence with performance standards.

**Commission Comments:**

**Ms. Press** stated that taking up the stone dust is a positive and that there is a right of way and planting the plants along there will be the commission's decision.

Certificate of Compliance came up last week-

Replaced the fence exactly in the same area. It is what was there before and not to dune standards..

**Mr. Manuell** stated that the commission did allow the fence in the order of conditions

**Mr. Gradwohl** asked to see the original order of conditions.

**Mr. Gulla** agreed with Ms. Press about the removal of the stone dust, however was concerned about filling under the house. The ponding will not go away simply by adding sand. He recommended just removing the stone dust and then seeing if that solves the problem.

**Mr. Manuell** stated that there is a depression under the home and it does collect water. The previous owner did have moisture and mold problem and the current owners are trying to avoid it.

**Ms. Jackson** stated that here concern is that the house has been built 2' above the sand to allow natural movement of the sand and now we see natural movement of the sand and may have created a bowl and we shouldn't interfere with that.

**Mr. Manuell** stated that this home is located behind other homes and then there is the beach. It is a very stable area. This is a grade issue.

The commission referenced Lisa computer for further clarification.

**Ms. Jackson** agreed with Mr. Gulla in removing the stone dust and see if that resolves the issue.

**Mr. Manuell** stated that the structural engineer strongly encouraged having the grading resolved. It could affect the pilings integrity. If we wait a season to see if the problems resolve it will throw off the entire landscape schedule. The grading is deficient from the beginning and it is completely compliant with performance standards. It is critical to correct the depression.

**Mr. Gulla** stated that his general concerns is that the installation of the material.

**Mr. Manuell** stated that it would be shoveled underneath home and back trucked.

**Mr. Gulla** stated that more detail is needed of how it will be done and would like a report stating that this work is important. These removable pallets are to be picked up and stored?

**Mr. Manuell** stated they would be stored on site.

**Ms. Press** stated that there are places under the house that sand could be added and I am comfortable with that and I believe that it is where it's proposed.

**Public Comment:**

**Joe Russo, 99 Wingersheek Rd & 101A Wingersheek Rd**

**Mr. Russo** stated his concern about the passageway and that no plantings go there. It is 10' wide and 100 feet long private Right of Way. It is for passage of vehicles for 99 and 101A Wingersheek Rd.

Also by the fence and outside of it, very close to Wingersheek Road are some plantings; there exists a mailbox and also there are utilities underground and they be accessible so the plantings can't obstruct them. There is a mound of dirt about 32'feet long and juts out about 4' and technically it should not be there. She did agree to have that removed.

The tree plantings near the Right of Way will eventually grow over the Right of Way and I want to make sure they will not be encroached on. I want to make sure everything stays clean.

**Mariann Sheil**

**Ms Sheil** stated that in regards to planting in that area she has no problem with doing nothing there. She also stated that in regard to the hill of dirt; it is now just a bunch of weeds and has no problem with having it leveled.

**Mr. Gulla** stated that no one should be leveling dune or hill without talking to us first.

**Helen Farr. 6 Pirates Lane**

**Ms. Farr** suggested to the commission to put down time frame on the pallets for installation and removal as well as limiting to where they are stored on site.

**Joe Russo**

**Mr. Russo** clarified that it is not dune but a mound of dirt. He stated that he has written to Ms. Sheil and asked her that the Right of Way be kept open and that I have the right to remove the dirt if I want to.

**Mr. Gulla** stated that he would like to see the site himself and to continue this to the next meeting. He also stated that there are several items to be addressed;

- Location of pallets--Come up with an agreed place for storage.
- Letter from structural engineer regarding water issue
- Reorganize the planting plan
- Removal of stone dust in phased approach.
- Fence issue
- Stairs with no risers and no stoop.

**Mr. Manuell** stated that he has documentation regarding the approval on the previous order of conditions.

A site visit is scheduled for September 10 at 11:00 am.

**Motion: To continue 28-2085- 101 Wingersheek Road, Notice of Intent submitted by Mariann Shiel, to improve grading/drainage to site, install plantings and seasonal patios and walkways and install a lattice skirt to dwelling in barrier beach resource area. (Map 261 lot 27) to October 6<sup>th</sup>.**

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

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

**Vote: All Approved 5-0**

**B. New- 28-2087- 8 Walker Street**, Notice of Intent submitted by John Clarke, to replace a septic system riverfront resource and ACEC areas. (Map 237 lot 62).

**Presenter: John Clark, 8 Walker St**

Mr. Clark stated he was before the commission on June 16<sup>th</sup> regarding the septic issue. Soil tests have been done for replacement septic. The Board of Health has approved it.

**Commission Comments:**

**Ms Press** stated that she was at the site on Monday and it is the only location that the septic can go in. It is out of ACEC.

**Mr. Gulla** stated that the area is sloping toward the stream and would like to close the loop back to the house to prevent the soils from migrating.

**Public Comment: None**

**Conditions:**

- Close loop on excavation site

**Motion: To approve 28-2087- 8 Walker Street submitted by John Clarke, to replace a septic system riverfront resource and ACEC areas. (Map 237 lot 62).**

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

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

**Vote: All Approved 5-0**

**C. 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)

**Motion: To continue- 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 to September 15<sup>th</sup>, 2010.**

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

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

**Vote: All approved 5-0**

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

**B. New- 62 Atlantic Street**, Request for Determination submitted by Pam Reynolds to, replace septic system and conduct landscaping in buffer to coastal resource area. (Map 246, Lot 2).

**Presenter: Pamela Reynolds, 62 Atlantic St, Gloucester**

**Ms. Reynolds** stated that this is a mandatory upgrade because of a failed cesspool. No vegetation is being removed. The front yard has to be raised 2 feet with fill to get septic system above the water table. She stated that she has asked the contractor to lay a dry

stonewall so we don't have to fill the entire yard. The garden is raised about 1' above the yard and at the end of project it will be 1' lower than the yard.

### **Commission Comments**

**Ms. Press** stated that this is a positive to upgrade.

### **Public Comment: None**

**Motion: Negative Determination for 62 Atlantic Street, submitted by Pam Reynolds to, replace septic system and conduct landscaping in buffer to coastal resource area. (Map 246, Lot 2).**

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

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

**Vote: All approved 5-0**

### **Rob Gulla recused himself at 9:26pm**

**C. New- 5 Reef Knot Way-** Notice of Intent submitted by Barry Garvin, to construct an addition to a dwelling on sonotubes in buffer to riverfront resource area. (Map 110 lot 20).

**Presenter: Barry Garvin**

**Mr. Garvin** stated that this project entails adding an extension to the side of the house which will be built on Sono tubes and would not disturb anything but grass.

### **Commission Comments:**

**Ms. Jackson** asked how the holes would be dug.

**Mr. Garvin** stated that they would be dug by hand.

**Ms. Jackson** asked how far from is it from the river.

**Mr. Garvin** stated about 100 feet and **Ms. Press** clarified that is was just outside the first 100 ft.

**Ms. Jackson** asked for an Alternative Analysis.

**Mr. Garvin** stated that the only two feasible places to put the addition were on the same side of the house but because of the steep slope it required more foundation to be built and more excavation to happen and it is also closer to the river. And on the backside, because of the slope we would run into ledge and would have to do blasting.

**Ms. Press** stated that this is where the patio was proposed. The mitigation of the patio should take care of this project. They offered mitigation and we took it. **Ms. Press** asked about accessing the site with construction vehicles.

**Mr. Garvin** stated that they would have to come around the front on the river side and there is grass there now.

### **Public Comment: None**

### **Conditions:**

- **Mitigation and planting plan to be approved by agent**
- **Access only over grass**
- **Hand dug sono tubes**

**Motion: To approve 5 Reef Knot Way submitted by Barry Garvin, to construct an addition to a dwelling on sono tubes in buffer to riverfront resource area. (Map 110 lot 20).**

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

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

**Vote: All approved 4-0**

**Rob Gulla rejoined the commission at 9:33pm**

**D. Amend-28-1873- 19 Harbor Loop, National Grid to amend an existing Order of Conditions to conduct additional soil samplings in a coastal resource area. (Map 9 lot12, 1, 14, 16, 19 & 25).**

**Presenter: Kenneth Lento, 40 Sylvan Rd, Waltham**

**Mr. Lento** stated that this was Phase 2. It is deep cores boring in the water adjacent to the seawall. It will be 6 or so borings.

**Commission Comments**

**Ms. Press** stated that she understood that different equipment would be used.

**Mr. Lento** stated that yes they will be mobilizing a drill rig onto a barge. We need to get down to 20'. Similar to the original work done in 2005

**Ms. Press** stated that there is a tidal site walk set for next Friday and want to include this in the walk.

**Public Comment: None**

**Motion: To continue 28-1873- 19 Harbor Loop, National Grid to amend an existing Order of Conditions to conduct additional soil samplings in a coastal resource area. (Map 9 lot12, 1, 14, 16, 19 & 25) to September 15.**

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

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

**Vote: All approved 5-0**

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

209 Essex Ave

**Ms. Press** stated that this violation is; filling of a stream and extending a culvert and filling on top of it and taking away vegetation. Ms. Press showed the commissioner affects on the area via her computer. She recommended that people to stop by and see the site. We will probably be asking that this to be undone and everyone should see it.

**Mr. Gulla** stated that he had noticed a change in the vegetation and thought it was the MBTA but they have denied it. You can see the site from the road. It would be better for us all to go down together.

**Attorney Michael Faherty**

**Mr. Faherty** stated that this was brought to his attention and he responded immediately. The issue here is that the representative of the railroad company and as to what they have or have not done. The project as originally undertaken was to attempt to limit the amount of runoff. The black pipe was not there before, despite what the railroad company has said. The fill was provided by the railroad. The issue was because of the storm water runoff. Some of the trees where already done. There are 3 parties involved

in this transaction. Let's invite the other parties and come up with a restoration plan. The water that comes under the street and that culvert has not been maintained. That water is running out of Fernwood. It got dangerous.

**Ms. Press** stated that she has been in touch with the railroad people.

**Mr. Gulla** stated that there is a longer standing violation on this site. The owner, applicant is responsible for the site. It is still his responsibility for his property. It will not change what we have to do to repair the damage. The railroad said it is Phase one and more phases are near Mr. Taliadoros's property. Want to get a clear picture of what is happening in this area.

- B.** Requests for Certificates of Compliance  
28-2059 75 Essex Ave  
28-1882 154 Wheeler St  
28-1652 3 River Rd

**Motion: To approve the Certificates of Compliance for 75 Essex Ave, 154 Wheeler St, and 3 River Road.**

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

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

**Vote: All approved 5-0**

**Motion: To adjourn meeting at 10:00pm**

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

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

**Vote: All approved 5-0**

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](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**