

**CITY OF GLOUCESTER  
CONSERVATION COMMISSION MINUTES  
WEDNESDAY, October 20, 2010 - 7:00 PM  
CITY HALL, KYROUZ AUDITORIUM  
ROBERT GULLA, CHAIRMAN**

**Members Present:**

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

**Staff:**

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

**Items may be heard 15 minutes before their scheduled time.**

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

28-2066 4 Stanwood Pt  
17 River Road

**Mr. Gulla** opened the meeting a discussion regarding the issue of pile driving and what is acceptable to DEP and the commission was discussed. Mr. Gulla stated that the commission is getting a lot of pushback regarding the use of use of wood, concrete or steel piles. The pushback is specifically around the concrete sono tube for the footings, the footings being the problem. DEP does not want concrete structures in the dune.

**Mr. Phillips** asked what DEP reasons are.

**Mr. Gulla** stated that DEP just said no to concrete footings.

**Ms. Press** stated that DEP has said no to concrete and it must be a driven pile. Ms. Press stated she would ask Gary Bogue why it must be a driven pile.

**Mr. Gulla** stated that it would structural concrete. If wood is used, it must be treated as well as with steel. Concrete is fairly natural in state and normally does not go down very far.

**Ms. Jackson** stated that it needs to be made of structural concrete and does not involve footings. It must not be toxic.

**Mr. Gulla** stated he wants clarification regarding the distinction of using wood versus, steel versus concrete.

**Ms. Press** stated that it takes heavy equipment to drive a pile and the equipment is driven over dune grass.

**Mr. Phillips** asked Ms. Press if she was convinced if she had received all of the information needed to make this decision. Mr. Phillips stated that he was not prepared to assume DEP is being irrational. He suggested that Ms. Press investigate further to find out DEP's position and then take a vote at the next meeting.

**Mr. Feener** stated to excavate soils; you are disturbing areas in there own way.

**Mr. Gulla** stated there are two issues; using chemicals to treat and using heavy equipment. A hand-dug hole is less impactful than bringing

### **Holly Street- Questions about conditions.**

**Ms. Press** stated that the **Wenniger's** have been asking for months to take down three trees. There are only a few trees left and one may be diseased. One of their conditions was that "no further trees may be removed from the site". The area does not look like it should. They will need to plant more bushes, vegetation.

**Mr. Gulla** stated that we are not in a position for mitigating for diseased trees. The stump should be left.

**Mr. Feener** stated that it should be documented for any potential tree that may fail by an arborist.

**Ms. Press** asked Mr. Feener what the impacts are from.

**Mr. Feener** stated that there is a litany of reasons including construction damage, the alteration of water runoff etc.

**Ms. Press** stated that the one diseased tree to be taken down and asked if Mr. Feener would take a look at the others.

**Mr. Feener** stated the arborist would have a license number and then it would be his professional opinion.

**Mr. Gulla** stated that the arborist should file the report and the commission will look at it.

**Mr. Feener** stated that there are already invasive types of materials starting to emerge from tree removal and get a maintenance program in there now to prevent more issues in the future

### **46 Leverett Street- Enforcement Order**

**Ms. Press** stated that this is an enforcement order, which was appealed and has been at a standstill. Ms Press stated that she and Suzanne Egan visited the site and discussed how to make the site stable. Attorney Steve Willet is here to discuss the recommendation.

**Mr. Gulla** stated his concern that this will take more than 5 minutes.

#### **Attorney Steve Ouelette, 127 Eastern Ave, Gloucester**

**Attorney Ouelette** stated that he is representing Christine Peterson. He stated that this has been dragging on for quite a while. The property has been looked at and most of the work has been completed, vegetation has re-grown and remaining work is the stairwell and concrete patio. Our goal is to get the property completed and to satisfy the Conservation Commission requirements. Ms. Press has come up with a list of issues that need to be addressed and we are looking for permission to proceed.

**Mr. Gulla** stated concern that this should be opened up to the public.

**Ms. Press** stated that if the enforcement is under the state, a public hearing is not required.

**Ms. Jackson** stated that given the history, it needs to be as precise as possible and want to look at all the information.

**Mr. Gulla** tabled 46 Leverett until later in the meeting.

**Mr. Gulla** reopened the discussion of 46 Leveret at 10:20 pm. The commission and Ms. Press went over the conditions and plan with Attorney Willett.

### **Motion: To rescind the original enforcement order of 46 Leveritt Street.**

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

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

**Vote: All approved 6-0 with Steve Phillips abstaining**

**Motion: For an enforcement order with the aforementioned conditions within a 3 month period.**

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

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

**Vote: All approved 6-1 with Steve Phillips abstaining.**

#### **17 River Road and 261 East Main Street**

**Ms. Press** stated that both need to be signed.

#### **4 Stanwood Point.**

**Ms. Press** stated it was appealed to DEP and had determined that DEP established where the building would go and the question is would the commission prefer to ask DEP to have it remanded back to us. The applicant can ask to remand it us or DEP can make the decision. DEP has told us where they would make their decision to where the building (Sandy) would be; we don't know what the conditions would be.

**Mike Seekamp, Seekamp Environmental Consultants representing Bernard Sova**

The commission denied it because the Alternative Analysis was incomplete

The DEP did accept an alternative that was submitted and issued a superseding order of conditions. If the commission would prefer and vote to say they would accept this new location, and that it meets your approval we would ask it be remanded back to the commission to have local control.

**Mr. Phillips** stated that we are being asked to make a decision without seeing anything. We can't proceed to make a determination without holding a public hearing. This is a new and different location.

**Mr. Seekamp** stated that DEP already had that opportunity and the commission has it as part of the record. We are happy to have the superseding order from DEP.

**Ms. Press** stated that the placement of the building will be decided by DEP. There is a process for DEP remanding.

**Mr. Gradwohl** stated that citizens did get invited and were able to submit comments at the site visit with DEP. They were considered by the State.

**Mr. Phillips** asked what it is that you are asking the commission to decide.

**Ms. Press** stated that whether we have superseding order from DEP or whether they get their the conditions from us. We would be working out the rest of the conditions in the Order such as the staging of what occurs when. DEP would only have conditions they thought were necessary,

**Mr. Phillips** stated that that was different than what he understood. If DEP is making the decision on the location and the decision is not being remanded to us, then there is nothing for us to hold a public hearing on in perspective to the location. That leaves other matters that were of concern.

**Mr. Gulla** stated that the bottom line is that the building location is approved, but we will determine the order of conditions.

**Mr. Phillips** stated he would try to make his position clear; if DEP says Gloucester Conservation Commission, you get to determine where this building goes, this is what we think, you get to determine it, we are remanding it for a decision for those questions, and he is asking us tonight what our decisions is going to be. I am not prepared to do that and without hearing the evidence and giving the people the opportunity to comment.

**Mr. Seekamp** stated that the abutters were at the public hearing with DEP and they had submitted comments. I would not recommend to my client to resubmit himself to the

commission decision without a guarantee that it'll be approved because he can get an approval from DEP.

**Ms. Jackson** stated that at this point the location of house is moot. This is a chance for us to proceed with conditions and have some input, which we will not have if it goes back to DEP.

**Mr. Feener** asked that when we do a final order of conditions would it be posted as a public hearing.

**Mr. Gulla** stated we can check with DEP, but it is closed at this point.

**Mr. Gulla asked Ms. Press** to find out what level of public input is allowed for Order of Conditions and find out the legalities.

**Motion: To accept the DEP position and retain control of the project at 4 Stanwood Ave.**

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

**2<sup>nd</sup>: John Feener**

**Mr. Feener** stated that he believes there is enough available information from abutters comments prior and other evidence submitted that we should be able to gather a nice order of conditions based on what the needs are.

**Vote: All approved 6-1 with Steve Phillips opposed.**

**Ms. Press** stated that she would be comfortable that DEP remanded it to us stating where the building is to be.

**Mr. Seekamp** stated that he wanted to know the commission's position on this, but we may go with superseding order anyway. It is up to us to ask for the remand.

**Mr. Phillips** stated that if DEP is deciding the location, then he did not have an issue.

**Mr. Seekamp** stated that he thought that was clear from the beginning. Mr. Phillips stated it was not.

**Mr. Gulla** asked for clarification again from Ms. Press as to what is to be decided tonight. Approve anything? Locations? Orders?

**Ms. Press** stated that Mr. Seekamp wanted a sense of whether he should stick with DEP or come back to the commission.

**II. PUBLIC COMMENT - None**

**III MINUTES REVIEW**

Commission Comments:

The minutes review was continued to the next meeting.

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

- A. New-3 Orchard Road**, Request for Determination submitted by Robert O'Donnell, to install a pump chamber and connection to municipal sewer system in buffer to inland resource area. (Map 83, Lot 93).

**Presenter: Randy Burley, Mill River Consulting,**

**Mr. Burley** reviewed the plan with the commission stating that it has a failed septic system and there is a septic tie in. Erosion controls will be in place and this has been approved by the DPW and Engineering. There will be no trees or vegetation removed and the project should take three days.

**Commission Comments:**

**Ms. Press** stated that there are no concerns and the line is going between two trees.

**Mr. Feener** stated that the trees are shallow rooted and are not designed to be in a wet area. They do not have any attributes. Mr. Feener suggested removing one to save the other and to plant bushes for mitigation.

**Mr. Burley** stated that route was picked because it was the easiest. The line can be routed up the driveway.

**Mr. Feener** stated if that the trees do get damaged, with in one year then mitigation should be done- one 2 /12 inch caliper tree planted.

**Mr. Phillips** stated that an RDA, should get a yes or no response depending on whether the matter implicates the law. If the answer is that it doesn't implicate the law, then the answer is to go ahead. Conditions shouldn't be attached unless there is a reason and there is nothing here that warrants that.

**Ms. Press** clarified the RDA explanation to the commission.

**Conditions:**

- **If within one year the tree fails mitigation of one 2 ½ inch caliper tree to be planted**

**Motion: Negative Determination for 3 Orchard Road, submitted by Robert O'Donnell, to install a pump chamber and connection to municipal sewer system in buffer to inland resource area. (Map 83, Lot 93).**

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

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

**Vote: All approved 7-0**

**B. New- 28-2101-31 Stanwood Avenue** Notice of Intent submitted by Gary Litchfield, Litchfield Company, to construct a duplex dwelling, driveway, utilities, grading and landscaping in buffer to riverfront resource area. (Map 230 lot 51).

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

**Mr. Gulla** asked if the commission is going to discuss 31, 33 & 35 Stanwood as one project

**Ms. Press** stated yes as they are already subdivided and there is a lot of overlap.

**Mr. Manuel** stated that Jim McDowell is the design engineer on the project and is here to answer any questions. Mr. Manuel stated that these were filed as three separate NOI's, but there is single ownership. It is cleaner this way when looking for certificates of compliance. He suggested to the commission to open all three public hearings at the same time for purposes of discussion.

**Mr. Gulla** opened up the public hearings for 31, 33, and 35 Stanwood Avenue.

31, 33, 35 opening up

**Mr. Phillips** asked if whether or not they are filed as three separate NOI's have any impact of the calculation of percentages of riverfront area affected. Does it come out the same?

**Mr. Manuel** stated it does come out the same.

**Mr. Socolow** asked if the building inspector had approved this.

**Mr. Manuel** stated not yet but the planning board had approved it. We are proposing three lots and the commission saw this two years ago. There was an ANRD filed to determine the wetland boundaries that was completed and the commission did order a resource order of determination. The site is at the beginning of Stanwood point and across the street is the city boat launch. The lots were designed so that they are compliant with impact thresholds of riverfront area. There is riverfront area extending on

to the site. It is also entering from the other side. Showed plan to board. A good percentage is riverfront and there are wetlands on site with the corresponding to the 100 buffer zone. There is salt marsh and an offset of an 100 foot buffer zone that bisects the site. The first & second lots are in riverfront but not buffer. The third lot in is riverfront area and also in buffer zone to the BVW and salt marsh. Coastal storm flowage also peeks into the third lot. An alternative analysis has been submitted and the primary focus of the alternative analysis is to establish that this is a business venture. We must first look at alternative analysis for the site and then the project site and decide if we have come up with the best alternatives. There is a written alternative analysis that has been included in the application.

The highlights of the alternative analysis;

- to keep the structures outside the initial 100 feet. In each of the three lots we have accomplished that.
- Limited the area of development on each lot. There is only disturbance for the driveway and structure.
- Where do we access from Stanwood and where the least amount of impact will be.

There is a storm water system in place for each lot. For infiltration we do provide for down water recharge. City engineering will want to review this as well and we do address storm water even though we were not required to do so.

Regarding riverfront area thresholds, each of the lots we have calculated the amount of riverfront area needed for each of the lots and each of the lots are 10% maximum impact threshold. These lots were created after 1996 and are compliant. The structures are going to be single-family homes and erosion controls will be place. We are keeping the structures as close to the road as possible.

**Commission Comments:**

**Mr. Gulla** stated that Ms. Press suggested a third party review.

**Mr. Socolow** asked about tree removal?

**Mr. Manuel** stated that there is not a lot. In the past it has been a mowed field.

**Mr. Phillips** stated that the alternative analysis was limited to onsite alternative. Why wasn't an offsite done?

**Mr. Manuel** stated that an offsite was done. We are obligated to do so. At the time of filing the applicant said there are no similar sites.

**Public Comment:**

**Andrew Heinze 36-38 Stanwood ave**

**Mr. Heinze** stated that this is a fragile area. There is marsh across the street. Areas are below 9 feet some are at eight feet. Everything on lot 3 is on both in the 100-foot and riverfront buffer. There is a wide band of brush of approximately 360'. I feel a third party review is appropriate. Mr. Heinze stated he also had problems with the driveway and how they come out onto Stanwood and the pervious surface will come off the road and into the river. The project needs to be looked into very carefully.

**Mr. Gulla** suggested putting concerns in writing and submitting them to the commission.

**Kathy Heinze 36-38 Stanwood Ave**

**Ms. Heinze** asked Mr. Manuell who owned the property and if they were all duplexes.

Mr. Manuel stated that Bernard Sova owned the property and they were duplexes.

Ms. Heinze submitted pictures of here property to the commission showing her yard flooded.

**Ruth Sullivan, Woodward Ave**

**Ms. Sullivan** asked what requirements would be involved with widening the road and if the duplexes would mean more cars and runoff and how it would be dealt with. She urged the board to look at all of these issues.

**James Liegakos, 32 Winthrop St,**

**Mr. Liegakos** stated that he lives behind this property and hope that the project will be done properly so the area does not get ruined.

**Christine Rass**

**Ms. Rass** stated her concern about the property and was encouraged that there may be a third party reviewer. She stated that it is a sensitive piece of land and one of the only open spaces left in the area. She stated to recognize that this parcel was in front of the planning board and Katherine Henry represented it and it was said that it was not known if the area was buildable. She urged the commission to look at performance standards and to look at rocky intertidal shore and examine salt marsh. This is really 6 units and will bring this into a new area of compliance. Her comments were submitted to the commission and are available for review.

**Motion: To continue 31 Stanwood Avenue Notice of Intent submitted by Gary Litchfield, Litchfield Company, to construct a duplex dwelling, driveway, utilities, grading and landscaping in buffer to riverfront resource area. (Map 230 lot 51) to November 3.**

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

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

**Mr. Feener stated to identify the vegetation of the 20' wall. The brush line where it is and where it will be.**

**Vote: All approved 7-0**

**C. New- 28-2100-33 Stanwood Avenue** Notice of Intent submitted by Gary Litchfield, Litchfield Company, to construct a duplex dwelling, driveway, utilities, grading and landscaping in buffer to riverfront resource area. (Map 230 lot 51).

**Motion: To continue 33 Stanwood Avenue Notice of Intent submitted by Gary Litchfield, Litchfield Company, to construct a duplex dwelling, driveway, utilities, grading and landscaping in buffer to riverfront resource area. (Map 230 lot 51) to November 3.**

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

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

**Vote: All approved 7-0**

**D. New- 28-2099- 35 Stanwood Avenue** Notice of Intent submitted by Gary Litchfield, Litchfield Company, to construct a duplex dwelling, driveway, utilities, grading and landscaping in buffer to riverfront resource area. (Map 230 lot 51).

**Motion: To continue 35 Stanwood Avenue Notice of Intent submitted by Gary Litchfield, Litchfield Company, to construct a duplex dwelling, driveway, utilities, grading and landscaping in buffer to riverfront resource area. (Map 230 lot 51) to November 3.**

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

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

**Vote: All approved 7-0**

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

- A. Amend- 165 Eastern Avenue, Calvary Cemetery, to amend an existing Order of Conditions #28-2044 to extend a roadway and stormwater controls in buffer to an inland resource area. (Map 160 lot 5).**

**Presenter: David Crispen, BFC Group**

**Mr. Crispen** stated we are in construction and there is one spot we got too close to the existing graves which has resulted in a request to modify the location of part of the driveway. It is by the entranceway by Eastern Avenue, near the contractor yard. We want to drive through the contractor yard and connect up instead of driving through the cemetery. We narrowed the driveways by 18" resulting in a slight reduction in impervious area. It is a minor modification and nothing needs to be disturbed. **Mr. Gulla** asked **Ms. Press** if this qualifies as an amendment.

**Commission Comments**

**Ms. Press** stated that **Mr. Crispen** did both. He notified abutters and requested for an amendment.

**Mr. Crispen** showed the plan to the board and explained where the new driveway would be. He stated that along the side of 12' driveway is a crushed stone. It was an old haul road from years ago and nothing is disturbed.

**Ms. Press** stated that for an amendment there must be no impact to resource. There is no vegetation being taken down. She stated that she is not seeing an obvious impact to the wetland.

**Mr. Gulla** asked for the original distance for the paved surface to the resource and what is it now.

**Mr. Crispen** stated that the edge of drive is 30' and before it was 70'.

**Mr. Gulla** the projection of the resource toward the road, there is already retention pond work.

**Ms. Press** stated she has walked it but feels that it is borderline.

**Mr. Feener** stated that regarding the drainage swale and the migration of stones, he suggested delineating the area with switch grass so things don't go into wetlands.

**Ms. Press** would like the area staked first.

**Public Comment: none**

**Conditions:**

- **The agent to look at staked location of road prior to work being done**

**Motion: To accept the amendment for 165 Eastern Avenue, Calvary Cemetery order of Conditions #28-2044 to extend a roadway and stormwater controls in buffer to an inland resource area. (Map 160 lot 5).**

**1<sup>st</sup>: Ann Jo Jackson**  
**2<sup>nd</sup>: Barry Gradwohl**

**Mr. Feener stated that crushed stone migrated, come up with a design tool to keep them in place or indicate in the plan. The length and width is to be clearly stated. He also suggested for snow stakes to be installed.**

**Vote: All approved 6-1 with Steve Phillips abstaining**

**B. New- RFD 125 Bray St** Request for Determination submitted by Michael Seekamp, to make a determination as to the classification of a stream. (Map 242, Lot 43).

**Presenter: Michael Seekamp, Seekamp Environmental Consulting**

**Mr. Seekamp** stated that on August 20, 2009 the stream was dry. A stream stat was done on it to definitely determine that it was intermittent and not perennial and it was observed on 4 days during the year during non-drought periods as required. The information has been submitted and all the observation and photographic evidence that stream is dry. Stream stats were also done further down stream and we submitted the information. We have information from Mr. Sergeant regarding this also. The letter from **Mr. Sargent** states that this stream is dry. Mr. Seekamp explained the stream stats to the board and showed the plan to the commission.

Watersheds of less than 1 square mile and are considered intermittent, especially if there is no stratified drip. There is none in this watershed. The area we took pictures is not a perennial stream. We are here to ask the commission to determine that this is an intermittent stream and not a perennial.

#### **Commission Comments**

**Mr. Socolow** asked why this is important to the applicant.

**Mr. Seekamp** stated that if it is an intermittent stream, it has a buffer zone of 100 feet and if it's a river/perennial stream it has a resource area of 200 feet. It is a big difference in being able to use the land. Our intent is to stay out of buffer.

**Mr. Phillips** asked why an RDA was filed instead of an ANRAD.

**Mr. Seekamp** stated that we didn't do a delineation and didn't require an on the ground delineation of resource areas. It takes a review of the information and it is all you need to make a decision

**Mr. Phillips** stated that it does not seem appropriate subject matter for a RDA.

**Ms. Press** stated that she would rather this be an ANRAD for several reasons. One is for abutter notification, like to hear from people who live in the area. The resource areas need to be determined.

**Mr. Seekamp** stated that is what an RDA is for. There is nothing we can file at the Registry of Deeds. We have not submitted a plan. We are asking for a determination, not a delineation.

**Mr. Phillips** disagreed and is not prepared to approve this as a RDA.. This needs to be a formal delineation

**Mr. Seekamp** stated that there is no delineation. We would be giving the commission the same information.

**Ms. Jackson** stated that this is a determination of applicability and some sort of water resource area is going to be applicable regardless, however, we are being asked to denote a resource.

**Mr. Phillips** asked Ms. Press that if this is done on delineation does it have binding effects on others.

**Ms. Press** stated that it could encourage others to skirt the ANRAD process.

**Mr. Gulla** stated that whether this is an ANRAD or RDA. This is big and we can't make this determination until we see more proper information.

**Mr. Seekamp** stated again that he is just asking for the status of the stream.

**Ms. Press** stated that she was not comfortable with the four witnessed times having been done by the applicant and his consultant. If an ANRAD is done, I will have to be called in as a witness. Rob: the documentation is the problem

**Mr. Gulla** stated that more information is needed in the proper format.

### **Mike Carrigan 77 Norward Heights**

**Mr. Carrigan** stated that an ANRAD is unnecessary and expensive to just give a determination of the status of the stream. If we know that this is an intermittent stream, which it is. We will stay 100 feet away from stream and we don't have to file. It is stated in the wetlands regulations to avoid the wetlands and try to stay outside of buffers.

**Ms. Press** how do we know what are the correct buffer zones without doing the ANRAD.

**Mr. Gulla** stated that eventually some sort of resource delineation would have to be done. Someday it will have to be delineated.

**Mr. Carrigan** stated that he would like a ruling on the RDA whether it is a perennial or not. It makes a big determination for us.

**Ms Jackson** clarified that on the 4 observations, Mr. Seekamp did one and Mr. Carrigan did three. She stated her discomfort of a non-professional in that area making those observations.

**Mr. Socolow** stated that when a geological survey designates a stream as being perennial part of it is based on aerial photography and there may be some recent photography that could present information to us.

**Mr. Gradwohl** stated that if the USCG says it is a stream then we have to consider it as such.

**Mr. Seekamp** stated unless we can prove that four times a year it is dry.

**Ms. Press** stated that a case in Manchester, we contacted the USGS and each time they do a flyover they have different criteria for that decade of what makes something perennial or intermittent.

**Mr. Gulla** stated that we should ask DEP if this is the right format and if we can determine a perennial versus intermittent by an RFD. DEP must clarify for us and then we will make a decision.

**Mr. Feener** stated this is an area that has a lot of beaver dams upstream and we should make sure this is not influencing the dry intermittent stream, but from a beaver dam creation upstream. Is it due to beaver work?

**Mr. Gulla** stated that could a beaver dam impact whether a stream can be determined as perennial or intermittent.

**Mr. Feener** asked Mr. Seekamp to look into the wetland delineation.

**Public Comment: None**

**Motion: To continue RFD 125 Bray St submitted by Michael Seekamp, to make a determination as to the classification of a stream. (Map 242, Lot 43) to November 3.**

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

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

**Vote: Approved 6-1 with Arthur Socolow opposing the continuation.**

**C. New- RFD 152 Concord St Request for Determination submitted by Michael Seekamp, to make a determination as to the classification of a stream. (Map 242, Lot 41 & 44).**

**Motion: To continue 152 Concord St Request for Determination submitted by Michael Seekamp, to make a determination as to the classification of a stream. (Map 242, Lot 41 & 44) to November 3.**

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

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

**Vote: Approved 6-0 with Arthur Socolow opposing the continuation.**

**D. New-, 6 Fortune Lane, Notice of Intent submitted by Stefan Abramo to construct a new dwelling on a foundation and a garage in buffer to coastal bank resource area. (Map 141 lot 21).**

### **John Feener recused himself**

#### **Presenter:**

#### **Bill Manuel, Wetlands and Land Management**

**Mr. Manuel** stated that they are here to finish the development of the site. There is a foundation already installed in the ground. Mr. Manuel reviewed the plan with the commission. He stated that would like to expand and square off the existing foundation and have a detached garage. The driveway is off of Fortune Lane and we have created a courtyard effect. Fortune Lane is narrow and it is important to have ample room to come out headlights first. It has been submitted for drainage review, with the intent that the entire surface will be paved. Some of it will be a peastone- in the courtyard area. There is coastal bank, which is a combination of natural bedrock and a retaining wall that stabilizes the coastal bank. In terms of mitigation there will be 4-6 trees lost. The entire site has been taken over by escaped Privet and there is Boston Ivy growing on trees. For the lost trees there are several things that could be done for mitigation.

#### **Commission Comments:**

**Mr. Gulla** asked if the vegetation was on the invasives list.

**Mr. Manuel** asked for a bit of latitude as far as a landscaping plan for now. It would be helpful to the owner to get a feel for the property first.

**Mr. Gradwohl** asked what the increased impervious is.

**Mr. Manuel** stated that it is documented on the plan is 3500 square fee. The owner is willing to consider that the courtyard area to be peastone. (Showed on plan) which would cut that number in half.

**Ms. Jackson** asked when the increase in impervious was figured, you took the square footage of the actual foundation as opposed to the enclosed area.

**Mr. Manuel** stated that when the foundation was approved, you assumed that there was going to be a rooftop.

**Mr. Gulla** stated that it brings up a question, that when we approved it, is the order still out there?

**Ms. Press** stated that it doesn't matter and it is impervious no matter what. There are no existing conditions.

**Ms. Jackson** stated that we are taking an increase in impervious over the existing approval or are we taking it over the existing conditions.

**Mr. Gulla** asked if there was a certificate of compliance for the existing foundation and has it been closed out.

**Mr. Manuel** stated that the project is down to mitigation. What we would like to do is to find out what the final number is going to be and give you that number.

**Mr. Gulla** stated there is tight vegetation around the whole site, excluding the driveway puncture, is there any other part of the existing vegetation being removed

**Mr. Manuel** stated yes.

**Mr. Gulla** stated that would like something to be measured in the field.

**Mr. Manuel** stated that he would provide that information and it is very minimal.

Ms. Jackson stated that she wants to be clear as to what the expectations are for mitigation.

**Mr. Gulla** stated that the math needs to be done first and Ms. Press will investigate the history of the site and order of conditions to make sure they have been met. Then come back before us and show us a concept of mitigation. We need an idea that our principals are being held. We can always make adjustments.

#### **Public Comment:**

##### **Helen Farr, 6 Pirates Lane**

Ms. Farr stated her objection to the description of escaped ornamental. It about the habitat not escaped ornamental

**Motion: To continue - 6 Fortune Lane, Notice of Intent submitted by Stefan Abramo to construct a new dwelling on a foundation and a garage in buffer to coastal bank resource area. (Map 141 lot 21) to November 3.**

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

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

**Vote: All approved 7-0**

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

- A. New- 101R Riverview Road,** Notice of Intent submitted by David deSieyes, to re-point and or resurface existing seawalls and to increase height of walls in riverfront resource area. (Map 93 lot 7).

**John Feener recused himself**

#### **Presenter: Bill Manuel, Wetlands and Land Management**

**Mr. Manuel** stated that this project is to revise the configuration of the wall to protect the mature trees from storm over wash. We have lost one mature tree and there is another that is in jeopardy. The site has a series of walls and we would like to formulate a return to the top of the wall to divert it the water. The work will be on the northerly and westerly walls. (Showed the plan to the commission) All the work is to be done by hand and

wheelbarrow items on site. The material will be brought down the existing drive and mortar will be mixed in a wheelbarrow. A pumper truck will be brought in for the concrete

**Commission Comments:**

**Mr. Gulla** asked for the height of the wall.

**Mr. Manuel** stated about 18 inches. It will help to deflect the rains back into the river

**Mr. Gulla** stated to alleviate sediment exchange, it may be warranted to create weep holes.

**Ms. Press** stated that a site walk should be scheduled.

**Mr. Gulla** stated he would wait for those comments.

**Public Comment: None**

**Motion: To continue 101R Riverview Road, Notice of Intent submitted by David deSieves, to re-point and or resurface existing seawalls and to increase height of walls in riverfront resource area. (Map 93 lot 7) to November 17.**

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

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

**Vote: All approved 6-0**

**B. Continuation-28-2098 - 8 Drumhack Road**, Notice of Intent submitted by Jack De Raismes, to construct a new deck, conduct vegetation clearing for a path, and view shed maintenance in buffer to a vegetated wetland. (Map 136 lot 58).

**John Feener rejoined the commission.**

**Presenter: Bill Manuel, Wetland and Land Management**

**Mr. Manuel** stated there was a site visit on Saturday and the information has been submitted for discussion. Mr. Manuel stated that we would like to maintain the vegetation at a certain height to keep the ocean view. There would be buckthorn removal, which is in approximately 2000 square feet as part of mitigation. There is open lawn to be converted to a shrubby buffer area. In terms of maintaining the view shed, what we think is a reasonable proposal is to maintain groups of vegetation at varying heights. The view-shed area that will be maintained has been reduced from previous and we also reduced new lawn area. (Showed on plan to the commission) These suggestions come from the site visit. Ms. Press came up with COMR meaning – Control, Oversight, Monitoring and Reporting.

The Control is to have something that can physically go on the ground and measure while work is being done. We are going to be pruning what is already there.

We will take groups of 4 shrubs or trees and they will be maintained at 6, 8, 10 foot heights. Each grouping would be at the varying heights. It provides safeguards you are looking for and provides habitats. The Oversight would be that there would be someone onsite to make sure what is done is done properly.

Monitoring to follow a season and see any impacts that occur.

Reporting: put into order of conditions.

**Commission Comments**

**Mr. Gulla** asked how would it be created and documented.

**Ms. Press** stated that she was comfortable with this mitigation.

**Ms. Jackson** stated that it must be delineated on a map.

**Jack De Raismes, 25 Waterway Road, Rhode Island**

**Mr. DeRaismens** stated that he has been out with Mr. Manuel to figure out how to maintain the view and the wildlife. He explained to the board how they determined how the work is to be done.

**Mr. Gulla** stated that the process needs to be documented for any future work that would be done, because the people involved now, may not be the same in the future.

**Mr. Feener** suggested doing the mapping of the vegetation after the initial pruning.

**Ms. Press** stated that tagging might also work. It may not be grouping of 4 it may be 6. The groupings can be determined in the field.

**Public Comment: None**

**Mr. Feener** asked if the number has been reduced from the original 4000 square feet.

**Mr. Manuel** stated that the numbers have been reduced and are denoted on the plan.

**Mr. Gulla** stated that the path may not be as dictated as on the plan.

**Mr. Manuel** stated that the intent in creating the path is to avoid all trees and significant shrubs.

**Mr. Feener stated that the final area of the path should be submitted at the same time as the pruning of the trees. Monitoring of the path after it is done should also be included.**

**Motion: To continue 28-2098 - 8 Drumhack Road, Notice of Intent submitted by Jack De Raimes, to construct a new deck, conduct vegetation clearing for a path, and view shed maintenance in buffer to a vegetated wetland. (Map 136 lot 58) on November 3 at 7:05 for final order of conditions.**

**1<sup>st</sup>: Arthur Socolow**

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

**Vote: All approved 7-0**

**C. Continuation-28-2096- 134 & 136 Hesperus Avenue**, Notice of Intent submitted by John Ferraro, to conduct site improvements for a new subdivision including; drainage, utilities, and roadway in buffer to an inland resource area. (Map 190 lots 41 & 61).

~ Applicant requests continuation to November 3, 2010.

**Motion: To continue 28-2096- 134 & 136 Hesperus Avenue, Notice of Intent submitted by John Ferraro, to conduct site improvements for a new subdivision including; drainage, utilities, and roadway in buffer to an inland resource area. (Map 190 lots 41 & 61) to November 3.**

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

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

**Vote: All approved 6-1 with Barry Gradwohl abstaining.**

**B. Requests for Certificates of Compliance**

28-1894 92 Holly St

28-2063 25R Riverview Rd

28-1965 37 Niles Pond Rd

28-1684 19 Riggs Point Rd

**Motion: To approve the above Certificates of Compliance**

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

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

**Vote: All approved 7-0**

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**