

City of Gloucester
July 15, 2026
5:30 P.M.

Hybrid Meeting
Rose Baker Center for Aging Well - Upstairs
Conference Room
Co-Chairs; Ann Jo Jackson & Peter Vetere



July 15, 2026 MINUTES

Members Present: Co-Chair Ann Jo Jackson, Co-Chair Peter Vetere, Bill Cook, Nick Iliades, and Dave Sargent.

Members Absent:

Staff: Chuck Schade, Conservation Agent

Meeting was called to order at 5:30; the call of Commissioners commenced.

I. ADMINISTRATIVE BRIEFING

Mr. Schade said they received a late notice to continue **NOI 028-3135 37 Rocky Neck Avenue Unit B-1** to the meeting of August 5, 2026.

II. PUBLIC COMMENT

Co-Chair Vetere opened the public comment period.

Co-Chair Vetere closed the public comment period.

III. MINUTES REVIEW AND APPROVAL

June 17, 2026

Co-Chair Jackson moved to approve the June 17, 2026 meeting minutes as amended; Member Cook seconded and was approved by Members Cook, Sargent, Iliades, Vetere, and Jackson.

IV. CONTINUED BUSINESS

NOI 028-3006 105 Wingaersheek Road (125 Wingaersheek LLC). *Replace existing SFH and detached garage with pile-supported single family home and garage, installation of gravel*

driveway, installation of septic system and water service in Coastal Dune, Barrier Beach, LSCSF, ACEC, Buffer Zone to ACEC and BVW. Joel Favazza, Seaside Legal Solutions, P.C. (Previously continued to 9/16/2026)

NOI 028-3007 107 Wingaersheek Road (125 Wingaersheek LLC). *Replace existing SFH and garage with pile-supported single family home and garage, expansion of gravel driveway, installation of septic system and water service in Coastal Dune, Barrier Beach, LSCSF, ACEC, Buffer Zone to ACEC and BVW. Joel Favazza, Seaside Legal Solutions, P.C. (Previously continued to 9/16/2026)*

NOI 028-2976 171 & 281R Magnolia Avenue (How-Mag LLC). *Construction of a 26-unit residential subdivision in Riverfront Area and Buffer Zone to Bordering Vegetated Wetland. Evin Guvendiren, DeRosa Environmental Consulting, Inc. (Previously continued to 8/5/2026)*

NOI 028-3036 3, 6, & 7 Welch Lane and R Woodman Street (RDL Welch Lane, LLC). *Road and stormwater system construction, utility installation in Buffer Zone to Bordering Vegetated Wetlands. Joel Favazza, Seaside Legal Solutions, P.C. (Request to continue to 8/5/2026)*

Co-Chair Jackson moved to continue **NOI 028-3036 3, 6, & 7 Welch Lane and R Woodman Street** to the August 5, 2026 meeting; Member Cook, seconded and was approved by Members Cook, Iliades, Vetere, and Jackson. Member Sargent recused.

NOI 028-3125 490R Washington Street (Gregory Dumas). *Elevating existing home and associated supporting posts in Riverfront Area, Land Subject to Coastal Storm Flowage, and Buffer Zone to Coastal Resource Areas. Devere Edwards-Grant, Kneeland Construction (Request to continue to 8/19/2026)*

Co-Chair Jackson moved to continue **NOI 028-3125 490R Washington Street** to the August 19, 2026 meeting; Member Cook, seconded and was approved by Members Cook, Sargent, Iliades, Vetere, and Jackson.

NOI 028-3132 13 Concord Street (James Nicholas and Judy Rose). *After the fact approval for vegetation and tree removal and relocation of rock wall in Riverfront Area, LSCSF, and Buffer Zone to Salt Marsh. James Nicholas and Judy Rose (Request to continue to 8/5/2026)*

Co-Chair Jackson moved to continue **NOI 028-3132 13 Concord Street** to the meeting of August 5, 2026; Member Cook seconded and was approved by Members Cook, Sargent, Iliades, Vetere, and Jackson.

NOI 028-3127 13-37 Sunset Hill Road, 6R & 18 Riverview Road (Pole's Hill) (Cape Ann Trail Stewards) *Trail maintenance and trail bridge installation in Intermittent Stream, BVW, IVW, and Buffer Zone to Intermittent Stream, BVW, IVW, and Vernal Pool.* [Amy Blondin, Cape Ann Trail Stewards](#)

Amy Blondin, Cape Ann Trail Stewards, represented and said they assist municipalities manage their open spaces and trail maintenance. They have been partnering with the City since 2013 and permission was initially granted from Steve Winslow in the Community Development Department at the time. They were doing trail maintenance under the purview of the DPW. In 2016, the CATS president realized the Conservation Commission was in charge of the land, so they reached out to Ken Whittaker, the Conservation Agent at the time. They walked the existing trails and got written permission to continue maintaining the trails. In 2022, there were extensive fires that changed the landscape and trail conditions. They have filed this proposal to perform trail maintenance, install trail blazes and add wooden bridges over wet areas. She was made aware after the last meeting that there was supposed to be a management committee formed in 1999 as part of the land acquisition. They want to make sure they are including the City in every step because this is City property and ultimately they are doing the work for them. The Open Space and Recreation Committee and the City Council approved the assessment of proposed recommendations for Poles Hill. Both groups were enthusiastic about the proposed changes to the open space. She would like guidance from ConCom on how to proceed regarding the requested delineation and management committee questions. Given that they do not own the land, she asked if the City would have the funds or be able to get a grant to delineate the property. Because they don't own the area, it is unlikely they would be able to fund or get funds for a delineation. If the funds are not available from anyone, she asked if the Commission would be okay with a scaled back proposal removing the bridge part of the proposal. The main reason they proposed them was for the wellbeing and health of the wetlands and to discourage people from walking directly in the wetlands and streams, but they can be removed if they are a major issue. She said they have historically been managing the area, and have been trimming vegetation for years to improve trail navigation. If this process takes a while, she asked if they would still be able to continue minor trimming as they have done for years. She showed a photo of people filling in the intermittent stream so they are able to cross it. There were pieces of sod, branches, leaves, twigs, etc. in the waterway. Bridges would allow people to walk over the stream while still allowing water to flow and light penetration.

Co-Chair Vetere said there were lots of comments that need to be addressed, but the primary concern is determining what to do about the management committee and the other questions will be addressed after that.

Co-Chair Vetere opened the public comment period. He asked that the comments be limited to the management authority and not the proposed work.

Joy O'Connell, 33 Wheeler Street, said she is the former president of the Friends of Poles Hill. Friends of Poles Hill was disbanded in 2002. She discussed the history of the area. The Land Use and Management Plan from 1999 was written as a requirement to receive the grant money to obtain the land. She said the director of the DPW said there have been no official documents to transfer management of Poles Hill to the DPW. She asked what the Conservation Commission's

stance is on the management committee and its role. She expressed concern about spray paint markings and trails at Poles Hill. She would like a cease and desist letter to be issued while the management team reforms. She said she has notes from a board meeting in 2002 about the management committee. They were meeting from April 8, 1999 to May 20, 2002. She is not sure what happened after that as she was not part of the management committee. She has a binder full of notes about the management committee meeting. She can bring the binder into the conservation office. She said the documents were more notes and do not have a list of who was present at the meetings. In 2002, there was no reason to keep Friends of Poles Hill going. They had done everything in the management plan, and everything was going well.

David Tower, 345 Washington Street, asked how the Friends of Poles Hill members would be selected.

Co-Chair Vetere said the two Commissioners would be voted on in a public meeting to be appointed to the new Commission. Appointing the Friends of Poles Hill members would be a bit more difficult or unclear because the group no longer exists and has not existed in 20 years. It would be up to Friends of Poles Hill to determine who to appoint.

ROLL CALL COMMISSIONER COMMENTS:

Member Cook seconded Co-Chair Vetere's comments.

Member Sargent said they should reconstitute the committee and they should get as close as possible to the intent of the original agreement between the State and the City.

Member Iliades said the Conservation Commission can't make a decision on this project on their own, so it should go through a management committee. The land use plan said "Conservation Commission or their designees," so they could potentially appoint people.

Co-Chair Vetere said the management plan supersedes the Conservation Commission's authority. It appears that there was a management committee at one point, and the right decision would be to reappoint that committee and then vote on the ConCom members on that board. Two ConCom members and one member from the grants department would constitute a quorum, and then that committee could have meetings. They could then discuss how they want to handle the two open seats and if they want to incorporate CATS or the Friends of Poles Hill. These are discussions for the committee when it forms. He would like to vote on the two members of the Commission tonight.

Ms. O'Connell said she does not like the idea of the Friends of Poles Hill not being on the committee. She has an email from Vanessa Farney that says the intent of the management plan should be followed with minor changes only.

Co-Chair Jackson said she has no objection to forming a majority of the committee. She also said it was pretty clear from the legal department that the authority went to the DPW. The Friends of Poles Hill disbanded and does not exist anymore, which further complicates the situation. It would be unfair to the applicant who came in with the proposal in good faith as the dissolution of the committee was not their fault.

Mr. Schade said without any kind of committee present in the last 24 years, the DPW has become the de facto managers of the property. In discussions with city legal, based on the City Charter and regulations, DPW was put in charge of city owned lands, maintenance, and similar situations. City Legal said they would defer to the Commission on if they need to reform the committee. He commented that it would be helpful to see the binder Ms. O'Connell mentioned, along with other materials she may have from the management plan. He does not have any records from the DPW that show a transfer of authority.

Ms. Blondin said there was documentation from Ken Whittaker that granted CATS and DPW to continue maintaining the trails. That document was unfortunately lost, but she is hopeful someone at the City might have a record of it.

Member Sargent would like more information and asked if people with more information could submit it before the next meeting.

Ms. Blondin said they need to go through the process to some extent so they can have more clarity on how to proceed with maintenance and who to seek permission from. The grant clearly specified that it should remain open and accessible to all members of the public, and they are hoping to keep the area going.

Co-Chairs Jackson and Vetere said they have no problem with them continuing to do minor trimming and other maintenance activities in Poles Hill in the meantime. They have been doing it for years and are reporting to and acting in the interests of the DPW.

Co-Chair Vetere said the DPW has authority over all city owned land, but for this specific land, there is more specific documentation that management is deferred to the Conservation Commission. This involves a more specific conversation between ConCom and the DPW.

Co-Chair Jackson moved to continue **NOI 028-3127 13-37 Sunset Hill Road, 6R & 18 Riverview Road (Pole's Hill)** to the August 5, 2026 meeting; Member Cook seconded and was approved by Members Cook, Sargent, Iliades, and Jackson.

Co-Chair Vetere recused.

NOI 028-3129 24 Kondelin Road (Eastern Waste Services LLC). *Stormwater Management upgrade, parking lot repaving, and fence replacement in Buffer Zone to Bordering Vegetated Wetland.* Joel Favazza, Seaside Legal Solutions, P.C. *(Request to continue to 7/15/2026)*

Joel Favazza, Seaside Legal Solutions, represented and said at the last meeting they discussed the fence removal and relocation. The Commission issued a negative determination, and now they are discussing the repaving and stormwater system. Since the last discussion, they have delineated the wetland and updated the proposed plans accordingly. The proposed work is over 80 feet away from the wetland. The Commission requested a third party review, and the applicant has submitted a check to cover the requested amount. Mr. Favazza asked if the Commission would allow them to proceed with the work prior to completing the requested third party review. The buffer zone only extends eight feet into 24 Kondelin Road. He commented that

these are exempt activities anyways and a small portion of the work is in their jurisdiction. The Commission should have the information they need without having Weston & Sampson review the whole project. W&S still has to review the project before it goes to City Council and other boards.

Co-Chair Jackson opened and closed the public comment period.

Member Cook said the work requested is less than they would have approved on other projects. He expressed concern about the request received from the Board of Health earlier in the day.

Member Sargent asked if the Board of Health will be reviewing the stormwater.

Mr. Favazza said the BOH required them to submit the stormwater plans to the DPW, BOH, and a separate subcommittee, and Engineering.

Member Iliades said if the review would be happening with the Board of Health, he would be okay with it. The main concern was determining how much water was proposed to drain offsite that wouldn't drain to a storm drain.

Co-Chair Jackson said it feels like they are missing something by leaving out the third party review.

Mr. Schade said in the initial review, one of the issues raised was that they could not say for certain if the water leaving the site was going to be treated by the stormwater management system. In the regulations, the Commission has authority to review projects outside of the buffer zone if impacts from those areas would impact the buffer zone or the resource area. The storm drains empty directly into the wetlands, so it is not a stretch to say there could be direct impacts to the wetlands as identified by Weston and Sampson. Part of the delay is that the full amount for the third party review was not submitted until recently. If a review has to happen with other boards and commissions, completing a review now should not impact the timeline that drastically. Having the review prior to voting would allow the Commission to request the appropriate conditions and ask the right questions. He is not sure if the Board of Health would be reviewing the stormwater runoff in the same capacity and with the same lens as the Conservation Commission.

Mr. Favazza said W&S said they were unable to determine if the runoff would drain to the wetland because they were looking at the preliminary plans. They have not seen the final flushed out version of the proposal. The area is not pristine now, and water may currently be draining to the wetland. They are proposing upgrades to the catch basins.

Member Sargent asked if they could send this back to the Board of Health to do a comprehensive review of stormwater and surface runoff.

Mr. Schade said W&S is doing one comprehensive review for the different boards.

Co-Chair Jackson asked if there is an increase in untreated runoff entering the wetlands. She also commented that there is a requirement to improve conditions if all the other standards are being met.

Mr. Schade said the original preliminary plan was reviewed by W&S, and one of their comments was that they couldn't say for certain, based on the plans, if the runoff was being captured and treated on-site. And there has also been a change of use which would include bringing in hazardous waste and other materials. None of that was included in the initial W&S review. It shouldn't change the timeline to allow the Commission to review the review and make a decision accordingly.

Mr. Favazza asked if the Commission would like to see the review before voting, if they could reduce the scale to not include the flagging and delineation. That would reduce the cost and time involved in the review.

Member Sargent said he is confident the updated delineation is more accurate than the GIS delineation.

Members Cook and Iliades said they would be okay with removing the delineation from the third party review.

Mr. Schade agreed that the delineation is probably more accurate than what was there and it won't change anything related to the stormwater. He will discuss the changes with Weston & Sampson.

Mr. Favazza requested a month continuance.

The Commission discussed that they would need more time to review the letter submitted by the Board of Health.

Co-Chair Jackson moved to continue **NOI 028-3129 24 Kondelin Road** to the August 19, 2026 meeting; Member Cook seconded and was approved by Members Cook, Sargent, Iliades, and Jackson.

Co-Chair Vetere returned.

NOI 028-3130 11, 17, & R Dory Road (Brian Mulloney). *Stormwater management system in Buffer Zone to Bordering Vegetated Wetland and alteration to Isolated Vegetated Wetland.* [Greg J. Hochmuth, Epsilon Associates, Inc.](#)

Maggie Laracy from Langan Engineering and Greg Hochmuth from Epsilon Associates represented.

Ms. Laracy said the project has been reviewed by Weston and Sampson and they issued comments. Langan responded last week and addressed the comments from W&S.

Co-Chair Vetere said he reviewed the response and it seemed like the only issue remaining pertained to the additional test pits and whether or not they would necessitate a change to one of the stormwater basins being infiltration basins or detention basins. He asked if there were other questions raised or if that was the only outstanding question.

Ms. Laracy said the stormwater basin was designed as a detention basin because they could not get to that area due to the turbines being up. Now that they are down, they were able to go over and they found high groundwater about three feet down into the test pits. One test pit had groundwater at seven feet down. They did not find bedrock, which has been present in other areas on site. Given the site conditions found, this will remain a detention basin. Even with the large presence of bedrock, the stormwater management system has been designed to infiltrate stormwater to the maximum extent possible. They are also meeting the water quality treatment standards.

Gregory Russo, Weston and Sampson, said his focus was on the wetlands and environmental compliance aspect of the review. They had five comments that were all addressed by the applicants. The first comment was about the signatures on the forms. The applicant and owner are the same person, so no additional signature was needed. Comment two was about the amount of replication area proposed and if there was any discussion of the functions and values of the impacted wetland. There was also a question of if the replicated wetland would replicate those functions and values. The applicant described the existing functions and values and there is no unique or high value habitat within the impacted area. They intend to replace the impacted area and its associated values and functions. Comment three was in relation to the proposed plans for the truck maneuvering area. They suggested alternatives to determine if impacts could be minimized. The applicant included additional analyses in their updated plan and explained that the design has been minimized to the greatest extent possible while still managing the function they need. Comment four was about the replication area, buffer zone restoration and enhancement area. W&S asked them to clarify if buffer zone enhancement is proposed or just 1:1 restoration. The applicant clarified they are proposing restoration rather than enhancement and described the restoration activities. Comment five was a reminder that revised submissions should be sent to the DEP's office and the applicant acknowledged this. There were a number of comments that came in from the DEP and they were noted in the review. They recommended that the applicant provide responses to the comments. The applicant provided responses to the comments and they believe they have been adequately addressed. It is still up to the Commission's discretion on if they were properly addressed.

James Pearson, Weston and Sampson, spoke on the stormwater review portion of the review. One of the main issues was with the stormwater discharge being directed towards one of the abutters. They were concerned that they needed to demonstrate they were not increasing discharge rates. They have revised their design, and W&S believes they have properly addressed that comment. Another main issue was with the stormwater test pits. A lot of the stormwater test pits were done close to some of the underground stormwater chambers, and they felt that some of the test pits were not done deep enough. It was hard to come to the firm conclusion the site was not feasible for infiltration and they suggested doing additional test pits to confirm. He suggested the Commission adding a condition for the applicant to do additional test pits throughout the site as well as within the one highlighted detention basin.

Co-Chair Vetere opened and closed the public comment period.

ROLL CALL COMMISSIONER COMMENTS:

Member Cook said he doesn't have a problem conditioning the additional test pits.

Member Sargent said a lot of information came in earlier in the day, and he would like more time to review it. He still has concerns about the wetland replication area. He would like confirmation that bedrock is not located within the proposed replication area as it could impact the success. He would like a five year monitoring period for the wetland replication area. There should also be a continuing condition on the COC that the replicated wetland be monitored and maintained to function as designed. In the event the wetland replication boundaries might need to be adjusted, the wetland replication areas should be excavated, verified, and protected from compaction. The wetland scientists overseeing the wetland replication construction work may not be from the same company as that which is performing planting, seeding, or participating in any aspect of the wetland replication. Plants should be selected from certified nurseries that have been inspected by state or federal agencies. He noted that the selected wetland plants are facultative and not obligate. He would like an explanation as to why.

Member Iliades said he had time to review the last minute document. He would be okay with conditioning the test pits. His comments and concerns have been addressed.

Co-Chair Vetere seconded previous Commissioner comments. He would be okay with taking more time to review the materials that were submitted late, and to see if DEP has any responses to the comments.

Co-Chair Jackson seconded Member Sargent's comments. The additional test pits are fine, but she did not have a chance to review any of the additional materials.

Mr. Hochmuth said the plants submitted are facultative wet plants for the wetland replication area. The only facultative species they are proposing is red maple, which is a dominant tree in the current wetland. There are very few obligate species in the wetland at the moment, so they did the best to match the plants that are there currently. He believes the species proposed will do well.

Co-Chair Jackson moved to continue **NOI 028-3130 11, 17, & R Dory Road** to the August 5, 2026 meeting; Member Cook seconded and was approved by Members Cook, Sargent, Iliades, Vetere, and Jackson.

NOI 028-3135 37 Rocky Neck Avenue Unit B-1 (Frederick Miles). *Reconstruction of existing dwelling in the same footprint and new pier supports in Coastal Resource Areas, LSCSF, and Buffer Zone to Coastal Resource Areas.* [John Judd, Gateway Consultants, Inc.](#) ***(Request to continue to 8/5/2026)***

Co-Chair Jackson moved to continue **NOI 028-3135 37 Rocky Neck Avenue Unit B-1** to the meeting of August 5, 2026; Member Cook seconded and was approved by Members Cook, Sargent, Iliades, Vetere, and Jackson.

RDA 1847 35 Dory Road (Applied Materials). *Building expansion within Buffer Zone to Bordering Vegetated Wetland.* [Cam St. Croix, SMMA](#)

Peter Glick and Cam St. Croix from Symmes Maini & McKee Associates represented.

Mr. St. Croix said there were three main unaddressed comments at the last meeting. The stormwater review was completed by the City of Gloucester Engineering department, and they met with the City Engineer. They returned a comment response letter and revised the stormwater report and permit drawings. They also received an approval letter from COG engineering which was submitted to Mr. Schade. A second comment was in regards to improving site conditions by the wetland and vernal pool to the north of the site. They have addressed that comment by adding a water quality unit at the curve on Dory Road. They updated the operations and maintenance plan and permit drawings to clearly show where snow should be stored on site. The new water quality unit will service 24,000 square feet of pavement area. They have notes about keeping any snow that has fallen outside of the wetland buffer zone.

Mr. Glick said they added the water quality treatment unit to improve site conditions. All of the surface runoff from the new pavement will now be treated before entering the wetland.

Co-Chair Vetere opened and closed the public comment period.

ROLL CALL COMMISSIONER COMMENTS:

Member Sargent asked for more information on the water quality treatment unit.

Mr. St. Croix said it is a filter for stormwater that is captured. It filters out trash, sediment, and debris. There is a storm sceptor and it is a STC900.

Co-Chair Jackson moved to close the public hearing for **RDA 1847 35 Dory Road**; Member Cook seconded and was approved by Members Cook, Sargent, Iliades, Vetere, and Jackson.

Co-Chair Jackson moved for a negative determination for **RDA 1847 35 Dory Road**; Member Cook seconded and was approved by Members Cook, Sargent, Iliades, Vetere, and Jackson.

AMD 028-3060 84 Thatcher Road (Julie Lopes). *Amendment to OOC 028-3060 for expansion of driveway and walkways within Land Subject to Coastal Storm Flowage.* [Robert Griffin, Griffin Engineering Group, LLC.](#)

Bob Griffin, Griffin Engineering Group, represented and said the proposed driveway has been changed from concrete to gravel. They have also added curbing around the perimeter of the driveway to allow water to infiltrate within the driveway's footprint. They have also provided more detail on the plan about the two rubble areas. They gave specifics on the size of the rubble areas and highlighted the plants that will go in the area. The AC platform and side deck are not part of the amendment request. They are still proposing paver walkways along the home that are also part of the proposal. They provided a native planting list and specified what will be planted in the restored rubble areas.

Co-Chair Vetere opened and closed the public comment period.

ROLL CALL COMMISSIONER COMMENTS:

Member Sargent thanked the applicant for the revisions. He would like a two year monitoring period for the mortality of the mitigation plantings. He would also like a perpetual condition on the COC that prohibits further alteration of the mitigation areas except as may be required to maintain the areas.

Co-Chair Vetere would like a continuing condition prohibiting the paving of the gravel driveway and to maintain it in a previous condition.

Mr. Griffin said the conditions were amendable.

Co-Chair Jackson moved to close the public hearing for **AMD 028-3060 84 Thatcher Road**; Member Cook seconded and was approved by Members Cook, Sargent, Iliades, Vetere, and Jackson.

Co-Chair Jackson moved to approve **AMD 028-3060 84 Thatcher Road** with the aforementioned conditions; Member Cook seconded and was approved by Members Cook, Sargent, Iliades, Vetere, and Jackson.

Ms. Lopes clarified that they would be able to do a pavement apron at the start of the driveway and the remainder would be gravel.

AMD 028-1653 36 Atlantic Street (Village at West Gloucester Condominium Trust).
Amendment to OOC 028-1653 to change continuing conditions under the Gloucester Wetlands Ordinance. [Scott Eriksen, Perkins & Anctil, P.C.](#)

Scott Eriksen, Perkins & Anctil, represented and said they are requesting an amendment to an old Order of Conditions to address a prohibition on the use of fertilizers and de-icers on site. The Board of Health recommended that they be able to use fertilizers consistent with approved fertilizer management plan and de-icers used with best practices as well. They have since submitted a draft fertilizer plan, a draft de-icing plan, and specific replacement condition suggestions for the Commission.

Co-Chair Vetere opened the public comment period.

Rus Brown represented Patti Page at 173 Atlantic Street. This application is not sufficient for an amendment request. At the time of the OOC approval, there was a scientific review and fertilizers and de-icers were banned for very important reasons, and they are not being addressed by the applicant. The prohibition was so important at the time, it was requested to be part of the Conservation Restriction and the condominium documents. He questioned how it could be removed from the CR and he questioned why a plan showing the wetlands hasn't been submitted. According to older plans, there are stormwater discharge systems draining directly to wetlands. Chemicals would be added to these wetlands, and thus is the reason for the chemical

prohibition. None of the materials submitted address the performance standards of the wetland resource areas. No scientific evidence was submitted to back up their proposal. They are also not saying they will not use magnesium chloride, but rather will use them at their discretion. He would like an evaluation from a wetlands scientist to determine the impacts to the wetland.

Co-Chair Vetere closed the public comment period.

ROLL CALL COMMISSIONER COMMENTS:

Member Cook asked if the runoff is going down into the wetlands and tidal areas. He said there was a reason this condition was put in place, and he doesn't see a need for it to be removed.

Member Sargent would like a prohibition on the usage of sodium chloride, but he could support magnesium chloride as an environmentally friendly alternative. It is unlikely to have a negative impact on the surrounding environment. The fertilizer management plan seems adequate, although he would prefer locally sourced organic products. He would also like a condition prohibiting the application of fertilizer in close proximity to impervious surfaces or drainage, and there should be no application if heavy rain is predicted within the next 24 hours.

Member Iliades seconded Member Sargent's comments about specifying which de-icer would be acceptable. There is a safety issue surrounding not using de-iceers, so there is a good reason to make that request. He would like further explanation as to what fertilizers are acceptable.

Co-Chair Vetere would like a surveyed plan showing wetland delineations, conservation restriction areas, and the stormwater system components for each management plan (fertilizer and de-icer). The fertilizer plan mentions keeping no application in buffer zones to sensitive areas, but it doesn't mention the distances of the buffer zone. He would like that distance specified and shown on any type of surveyed plan that gets submitted. The surveyed plan should be incorporated into both of the management plans. He would like to see sample recording forms attached to each of the plans. He discussed language changes to the proposed conditions.
(2:02.40)

Co-Chair Jackson seconded previous Commissioner comments. She asked how large the buffer zones are around the drainage features and paved areas. She asked how often they are doing the fertilization process within each time period. She asked for them to specify that they are proposing to fertilize once in each specific period of time in the fertilization schedule in the draft fertilization management plan.

Mr. Eriksen said there is no plan to use any chemicals in the Conservation Restriction area. That area also does not have any wetlands. The conditions are acceptable, and they would be comfortable with a condition for a strong preference of magnesium chloride. He can address the proximity to the pervious areas. The management plan will be submitted to the BOH and approved by them prior to application.

Joe Nichols said the plan in the document was the original survey excavation plan. He added the green area, so that plan is surveyed. He removed the labeling for readability, but can add them back.

Co-Chair Vetere said having an updated plan that is legible for the people applying the chemicals would be helpful. For their sake, having the plan depend on visible landmarks could also make it easier to read. He would like to review the plans prior to approving anything, so they know what they are approving relative to the wetlands boundaries.

Co-Chair Jackson moved to continue **AMD 028-1653 36 Atlantic Street** to the meeting of August 5, 2026; Member Cook seconded and was approved by Members Cook, Sargent, Iliades, Vetere, and Jackson.

NOI 028-3136 10 Leverett Street (Manship Artist Residence and Studios, Inc). *Restoration of degraded granite steps that lead to the quarry in Buffer Zone to Pond and Bordering Vegetated Wetland.* [John Judd, Gateway Consultants, Inc.](#)

John Judd, Gateway Consultants, represented and said at the last meeting they were just waiting for the DEP file number, which has now been assigned.

Co-Chair Jackson moved to close the public hearing for **NOI 028-3136 10 Leverett Street**; Member Cook seconded and was approved by Members Cook, Sargent, Iliades, Vetere, and Jackson.

Co-Chair Jackson moved to approve **NOI 028-3136 10 Leverett Street** with the aforementioned conditions; Member Cook seconded and was approved by Members Cook, Sargent, Iliades, Vetere, and Jackson.

V. NEW BUSINESS

NOI 028-XXXX 11 Forest Lane (City of Gloucester DPW). *Removal of beaver dam and installation of beaver deceiver on Walker Creek.* [Shavaun Callahan](#)

The applicant requested to continue, so the hearing was not opened and will be discussed at the August 5, 2026 meeting.

RDA 1845 2 Fortune Lane (James Reno). *After-the-fact permitting for stone walkway and wall within Buffer Zone to Coastal Resource Areas.* [James Reno](#)

James Reno, 2 Fortune Lane, represented and said they added a walkway from the beginning of Fortune Lane that goes down to a small landscaping wall. He wasn't aware there was a buffer zone, and was told he didn't need a permit because he wasn't going down to the water. The slope did not change with the added walkway. It is all bluestone with granite steps where there are steeper inclines. No trees or shrubbery was removed in the process of the construction. The work was completed in early May.

Co-Chair Vetere opened and closed the public comment period.

ROLL CALL COMMISSIONER COMMENTS:

Member Cook asked what was in the area prior to the bluestone pathway, as there could be required mitigation.

Mr. Reno said there was grass in the walkway area prior to construction.

Member Cook said he would like to see native mitigation for the increase in impervious surfaces.

Member Iliades said the impervious calculations are the final piece to determining the mitigation plan.

Co-Chair Vetere asked what was there before the wall.

Mr. Reno said it was a grassy area before.

Co-Chair Jackson asked what the binding material is between the bluestone. She asked if the concrete wall is dry set or concrete between the joints. She also asked if there are weep holes in the wall.

Mr. Reno said the binding agent for the wall and pathway is concrete and there are drainage pipes in the wall.

Co-Chair Vetere suggested reaching out to Mr. Schade once he knows the square footage to determine a planting plan or a final square footage of mitigation plantings. They have a condition on the determination that there will be additional mitigation plantings to be installed depending on the square footage of the impervious surface.

Co-Chair Jackson moved to close the public hearing for **RDA 1845 2 Fortune Lane**; Member Cook seconded and was approved by Members Cook, Sargent, Iliades, Vetere, and Jackson.

Co-Chair Jackson moved for a negative determination for **RDA 1845 2 Fortune Lane** with the aforementioned condition of native plants for mitigation to be planted as close to the resource area as possible. Member Cook seconded and was approved by Members Cook, Sargent, Iliades, Vetere, and Jackson.

RDA 1848 69 Leonard Street (Meredith Hagood). *After the fact approval for frame and footing replacements in existing deck footprint in Riverfront Area, LSCSF, and Buffer Zone to Coastal Resource Areas.* [John Cunningham, Cunningham Builders, LLC](#)

John Cunningham, Cunningham Builders, represented and said the original project was just to replace the decking. During construction, they decided to bring the whole deck up to code, so they had to take the whole thing down and put in new footings. At that time was when they contacted the conservation office. They put some silt socks along the work site and filed for an after the fact RDA.

Co-Chair Vetere opened and closed the public comment period.

ROLL CALL COMMISSIONER COMMENTS:

Member Cook asked if the deck is impervious.

Mr. Cunningham said the existing deck did not have spacing, so the replacement deck did not. Most of the deck is covered by a roof and there's four feet beyond the roof line and it can drain through to the crushed stone underneath.

Member Cook determined that they went from an impervious surface to a pervious surface, which is a good thing.

Co-Chair Jackson moved to close the public hearing for **RDA 1848 69 Leonard Street**; Member Cook seconded and was approved by Members Cook, Sargent, Iliades, Vetere, and Jackson.

Co-Chair Jackson moved for a negative determination for **RDA 1848 69 Leonard Street**; Member Cook seconded and was approved by Members Cook, Sargent, Iliades, Vetere, and Jackson.

NOI 028-3137 21 Forest Lane (Jonathan Janes). *Addition to existing home and driveway reduction in Buffer Zone to Intermittent Stream.* [Jonathan Janes](#)

Jonathan Janes, 21 Forest Lane, represented and said they are looking to put a two car garage and an entry addition that attaches to the existing home. The footprint of the addition is about 1,350 square feet and the area of work in the buffer zone is about 1,200 square feet. Most of the work is going over existing pavement, about 1,075 square feet of the work. He is looking to take out about 325 square feet of pavement, which is a net positive of about 200 square feet. Native plants will be added to the area of pavement removal. The work is about 80 feet away from the intermittent stream.

Co-Chair Vetere opened and closed the public comment period.

ROLL CALL COMMISSIONER COMMENTS:

Member Sargent said there is a reduction in impervious surface so there isn't a requirement for mitigation plants. Because this property is served by an on-site septic system, he would like formal sign off from the health department before the building permit is issued.

Co-Chair Jackson asked for clarification for the 200 square feet of new pervious area. That calculation is included, so there should be some mitigation.

Co-Chair Jackson moved to close the public hearing for **NOI 028-3137 21 Forest Lane**; Member Cook seconded and was approved by Members Cook, Sargent, Iliades, Vetere, and Jackson.

Co-Chair Jackson moved to approve **NOI 028-3137 21 Forest Lane** with the aforementioned condition of using native plantings in the new garden bed. Member Cook seconded and was approved by Members Cook, Sargent, Iliades, Vetere, and Jackson.

Mr. Schade said to submit the planting list or plan when it is created and it will be added to the project folder.

NOI 028-3140 121 Wingersheek Road (Mary and Thomas Carroll). *Two sets of stairs in LSCSF, Upland Edge, Coastal Dune, Coastal Beach, and Buffer Zone to Coastal Resource Areas.* [Thomas Carroll](#)

Tom Ciarametaro, Five Fathoms Consulting, represented and said this project is for two sets of stairs. There were some extensive comments from DEP, and they have responded to their comments and made modifications to the proposal. Through the alternatives analysis, they have answered those questions to the best of their ability and don't foresee future comments. There are two separate sets of stairs coming off the residence with a 4' x 4' landing. It was originally concrete, but they have modified it to be flow-through decking to allow light and rain penetration. They would like to add dune grass under the landing from the house stairs to help with the erosion from the existing pathway. The stairs will have helical piles and will be driven by hand. There will be no heavy equipment used during the construction.

Co-Chair Vetere opened and closed the public comment period.

ROLL CALL COMMISSIONER COMMENTS:

Member Cook wanted to confirm they are proposing two separate stairs off the home, which would be two sets of stairs. He asked if there would be two walkways for each of the stairs.

Mr. Ciarametaro said there is a well established sand pathway, and the existing homeowner does not want any more walkways through the dune. The two stairs come off the structure and meet at one landing.

Member Sargent said this needs National Heritage review and response. It was checked off on the application, but he has not seen a response. It is not clear if the stairs are 36 inches wide, and at least 24 inches above the surface. That information was supposed to be submitted to the DEP.

Mr. Ciarametaro said the stairs meet those dimensions and are the same as neighboring stairs. He said NHESP was notified of the project, and the payment check has been cashed.

Member Iliades said the stairs are probably a better alternative than having a walkway through the dune. He asked if the landing will be on the existing path, or if there will be a new path over to the landing. DEP comments recommended piers and he is curious if those are acceptable for the DEP.

Mr. Ciarametaro said there is a small area of grass where they are going to land, but it is open sand surrounding the landing area. They can add vegetation if needed. All of the stairs will be on helical piles which are generally accepted by the DEP.

Co-Chair Vetere would like a continuing condition for seasonal installation of the stairs to the beach to be by hand only. Removal and storage of the stairs should occur seasonally and should be stored outside of the resource area.

Co-Chair Jackson seconded Co-Chair Vetere's comments.

Mr. Schade said the area is endangered species habitat, so he can follow up with NHESP. He asked what date it was submitted, as they have 30 days to review applications.

Member Cook said he would be okay with voting and then adding the NHESP comments when they later receive them.

Mr. Ciarametaro said the plans show the stairs as 36 inch wide steps and they are 24 inches above the ground. During the dune restoration, they can increase the mitigation to account for any disturbance to the vegetation from the stairway.

Member Cook said NHESP typically requests a time of year restriction that prohibits work from April 1st to September 1st.

Co-Chair Jackson moved to close the public hearing for **NOI 028-3140 121 Wingaersheek Road**; Member Cook seconded and was approved by Members Cook, Sargent, Iliades, Vetere, and Jackson.

Co-Chair Jackson moved to approve **NOI 028-3140 121 Wingaersheek Road** with the aforementioned conditions. Member Cook seconded and was approved by Members Cook, Sargent, Iliades, Vetere, and Jackson.

NOI 028-3143 2 Clarendon Street (Richard Leavitt). *Removal of garage and addition to existing dwelling in Buffer Zone to Coastal Resource Areas.* [Thomas P. Ciarametaro, Jr., Five Fathoms Consulting](#)

Tom Ciarametaro, Five Fathoms Consulting, represented and said they are proposing the removal of a one car garage, and the replacement with a one story sunroom, stairs, and deck. The proposal is all within the buffer zone to the Coastal Bank.

Jeff Fallssopp, Builder on the project, represented and said the site has a lot of ledge, and they are looking to add roughly to the break in slope on the lot. There is an area with a large amount of invasives that they are proposing to remove and restore with native plants. The existing driveway is an existing asphalt driveway, and the area to the north is proposed to be driveway access for the addition. They are proposing to add a dry laid retaining wall and they are adding crushed stone for drainage from the gutters to infiltrate. They are proposing a permeable paver between the retaining wall and the pavement so the water will not be held by the retaining wall. The top of Coastal Bank is about where they will have erosion control for the construction. They will be restoring the area away from the home with native species.

Co-Chair Vetere opened and closed the public comment period.

ROLL CALL COMMISSIONER COMMENTS:

Member Cook said the area where they are going to be removing invasives is an established slope preventing a lot of runoff. He asked how they intend to remove the invasives while still preventing runoff. He would like a more detailed plan for the removal.

Mr. Fallssopp said there are pockets of soil, and the plants would be removed by hand. The amount of plants are TBD, as the area allows. They are not intending to destabilize the area, and they will not be digging tree wells or anything large scale like that.

Member Sargent would like to make sure there are proper disposal methods used when it comes to removing the invasive species. He would like a two year monitoring for the mortality of the native mitigation plants. He would also like a perpetual condition on the CoC that prohibits further alteration in the mitigation areas except as may be required to maintain the area in its mitigated condition.

Co-Chair Jackson said there seemed to be a difference between what was presented and what was in the application. There is a pale green area where they are proposing invasive removal. That appears to be below a wall where they are proposing mitigation in another plan. She asked how much impervious area they are adding.

Mr. Fallssopp said the green area is bound by property lines. They are replacing 817 square feet of impervious area and they are adding 558 square feet of impervious area. They are adding 557 square feet of new permeable pavers with crushed stone. They are proposing to do selective mitigation work along the slope up to 2,200 square feet.

Co-Chair Jackson moved to close the public hearing for **NOI 028-3143 2 Clarendon Street**; Member Cook seconded and was approved by Members Cook, Sargent, Iliades, Vetere, and Jackson.

Co-Chair Jackson moved to approve **NOI 028-3143 2 Clarendon Street** with the aforementioned conditions. Member Cook seconded and was approved by Members Cook, Sargent, Iliades, Vetere, and Jackson.

NOI 028-3141 28 King Phillip Road (David Surette). *Seasonal dock and gangway to existing pier in Coastal Resource Areas and Riverfront Area.* [Thomas P. Ciarametaro, Jr., Five Fathoms Consulting](#)

Tom Ciarametaro, Five Fathoms Consulting, represented and said this will be a 10A permit through the Harbormasters Office. There was a previous permit through ConCom and Chapter 91 for a pier through the marsh. This has been installed and a COC was obtained. They are now looking to add a gangway down to a float. The applicant was originally using this pier to launch a kayak and paddleboard to get the moorings out to the Little River. As they have gotten older, the ladder has gotten steeper, and they would like to put a gangway and float out for his family to access the area. This is land containing shellfish, so they are using a float with a fifth wheel rather than other supports. The gangway would go down to a fifth wheel connection which

would reduce the need to maintain the float on station in the low wave area. There wouldn't be the additional impacts of moorings, blocks, chains, or additional scouring. It will be built in the same fashion as the city float at Lanes Cove. They were originally proposing 18" standoffs, but they are okay with 30" standoffs as requested by the DMF. The float will be aluminum and there no marine biocides, creosol, or other harmful materials.

Co-Chair Vetere opened the public comment period.

Tom Leonard, 19 & 24 King Phillip Road, spoke in opposition to the project. The proposed float is 200 square feet, which is about the same size of the pier. This proposal will change how the structure is and how it will be used. When the project first came before the Commission, the pier was described as a kayak and paddleboard access pier. It was specified that there would be no float, no boat, and no jet ski tied to the pier. They were central to the discussion and were the basis for the approval. They were also reflected in the OOC. The evaluation of the pier was made on the assumption that boats would not be used on it. There are still questions that he does not feel have been answered. He would like to know what the impact on the marsh and shellfish will be. Once a dock is built, it is hard for the Commission to regulate how it is used every day. That is why it's important for the Commission to evaluate the structure itself and the activities it enables, rather than assuming it will be used as proposed.

Co-Chair Vetere closed the public comment period.

ROLL CALL COMMISSIONER COMMENTS:

Member Cook said he remembers the initial proposal for the pier, and said they only allowed kayak use. He is not comfortable with going back and changing their usage.

Member Sargent said this area is a very sensitive area for shellfish. He would like to hear comments from the Gloucester Shellfish department. There may be impacts to the shellfish beds with the float tied up.

Member Iliades seconded earlier Commissioner comments.

Co-Chair Vetere asked why a 10x20 float would be necessary for paddleboard and kayak only access. He thanked them for agreeing to 30 inch standoffs. He would like a continuing condition that would limit the use of the float to non-motorized crafts and prohibit tying anything to the float. He would also like to see what comments Shellfish has.

Co-Chair Jackson seconded earlier Commissioner comments.

Mr. Ciarametaro said they've taken into consideration the sensitive nature of the area, and have gone with an average float size of 10 x 20 for that reason. It is standard for these areas. There is nothing in the WPA that says they do not meet the performance standards and it is separate from the permit for the original pier. Shellfish has had two weeks to comment on this project and DMF has already commented.

Member Cook said even if there is a positive comment from Shellfish, he is not comfortable with the proposal.

Co-Chair Vetere said he understands that the 10 x 20 float might be standard, but is that size necessary for a kayak launch. He asked if the applicant would be willing to reduce the size.

Mr. Ciarametaro said he can speak with the applicant regarding the size. The gangway is 35 feet, and the size and weight of the float need to be taken into consideration so the conditions are safe. They could try and reduce it to 8 x 16, but it should also be taken into consideration that they are not using moorings or other traditional methods to install it. The float lands on an upper marsh area and not on the tidal shellfish area. The area where the float will land is degraded marsh and has been eroded by Green Crabs. The gangway and float have 85% light penetration ability.

Co-Chair Jackson moved to continue **NOI 028-3141 28 King Phillip Road** to the August 5, 2026 meeting; Member Cook seconded and was approved by Members Cook, Sargent, Iliades, and Jackson.

NOI 028-XXXX 7 Sumac Lane (James Montagnino, Jr.). *Seasonal docks and gangway in Coastal Resource Areas.* [James Montagnino, Jr.](#)

James Montagnino said he is applying for a 10A permit at 7 Sumac Lane. He would like to add nine floats to the existing three floats. They will be bottom anchored and pieced piers. All new and existing ramps will be connected to the existing 40 foot ramp and dock system that is already in place. There are no modifications proposed to the existing ramp. He has submitted the application to the Harbormasters Office as well.

Co-Chair Vetere opened and closed the public comment period.

ROLL CALL COMMISSIONER COMMENTS:

Member Cook would like to see a drawing of what this is supposed to look like. There were some previous issues with a neighbor tying in to the land on the other side. He looked at the plans and said it looks similar to what they previously denied.

Member Sargent said the Harbormaster expressed concerns related to the Federal navigation channel and setbacks established by the Army Corps of Engineers. He also asked for plan by a qualified licensed professional surveyor or engineer and to show the exact location of the Federal navigation channel. He expressed concern about the stability of the float system. Prior to considering approval, he would like the Harbormaster's approval of any proposed plans.

Member Iliades would like to see channel delineations and a professional plan showing how they are related to the proposed work.

Co-Chair Vetere asked for a continuing condition to remove floats and ramps seasonally and store them outside of the resource area. He said it seems like one of the sea walls extends beyond the property line.

Mr. Montingino said the wall shown on the plan was installed by the homeowners a long time ago, but it has been removed from the property. They replaced the wall a couple years ago and

now the sea wall is on the proper property. The float is not in the direct center of the floats because they will have more space within the federal navigation channel.

Mr. Schade said they have not received shellfish comments, but they do have comments from DMF. DMF has no concerns, but they had a question about if the amount of float area was too large for a 10A permit. He reached out to the Harbormaster to determine if this is the correct permitting path. This is not something the Commission regulates, but it is helpful information. On the DEP Portal, there is a comment that they are waiting for a fee.

Co-Chair Jackson moved to continue **NOI 028-XXXX 7 Sumac Lane** to the August 5, 2026 meeting; Member Cook seconded and was approved by Members Cook, Sargent, Iliades, and Jackson.

NOI 028-3142 Tommy's Island (Tommy Island, LLC). *Construction of a shed in the Upland Edge to the ACEC, Riverfront Area, LSCSF, and Buffer Zone to Coastal Resource Areas.* [John Judd, Gateway Consultants, Inc.](#)

John Judd, Gateway Consultants, represented and said Tommy Island is only accessible by boat. There is an upland area that has a shed they would like to reconstruct. The boat access point is off the coast in Essex, MA. There is an existing concrete pad on the island and 12 inch diameter wood piles. The concrete pad would remain and the shed would be 16 x 20. The shed would be supported by the piles that are previously existing onsite. The flood zone is at elevation 10 on one side and elevation 13 on the other. The shed is for hunting equipment and other equipment for the applicant to use when they go out to the island. The piles will get them above the flood zone.

Co-Chair Vetere opened and closed the public comment period.

ROLL CALL COMMISSIONER COMMENTS:

Member Cook asked if they plan on breaking up the existing concrete pad.

Member Sargent said the shed they referenced was a duck blind and it was never permitted. He doesn't think they can claim it exists and that they are replacing it. This is in the ACEC, so the performance standard for elevated structures says there can be no negative impact or slight impact. It is unclear how access by travelling through salt marsh meets that performance standard.

Member Iliades seconded Member Sargent's comments.

Co-Chair Vetere said this is in the Upland Edge, and they do not allow additional impervious surfaces under the Gloucester Wetlands Ordinance. They can approve a project if it meets the lot creation criteria in section 12-15(C). He would like to see evidence that this lot meets the criteria. He assumes the work would be coming in by boat, and he is unsure how that would be done without impacting the work. If this goes forward, all work should be done without the use of heavy machinery and measures should be taken to protect and prevent impacts to the marsh. He

asked what this is an accessory unit to. Is there a primary structure on site. There are previous emails that state this structure would have a composting toilet, water collection system, and solar panels on the roof, and it would be used as a Summer shack. If that is still the plan, there would likely be impacts to the surrounding area and those impacts should be quantified.

Co-Chair Jackson said this is a sensitive area with a lot of resource areas.

Mr. Schade said this was not easily accessible to him, so he asked if there were more photographs of the area. He is curious what is on the other side of the picture as most of the photo angles are from the same location. Because of the sensitivity of the area, showing how the access is going to occur would be helpful. Given the size of the shed, there could be disturbance to other resource areas.

Mr. Judd said they will be removing the concrete pad. The shed will come up in panels. They will put it together on the island and float out all the materials they need. The materials will be carried in by hand. They will write a request for the GWO waiver based on the lot creation date. They have a letter from the building inspector allowing an accessory dwelling on this property. There will be no sanitary structures on the property as it is not allowed. They can provide more photographs.

Member Sargent said a pathway to access the shed would be creating adverse impact to the salt marsh. Once the shed is created, there needs to be a way to access it, and a pathway will either naturally form or one will be created. That is creating adverse impacts to the salt marsh and the ACEC.

Mr. Judd said there are a lot of ledge outcroppings along the island, but you would still have to walk through the marsh.

Co-Chair Vetere said if there mats you could lay down during construction to protect the marsh grass, they would like that to be considered.

Mr. Schade asked about the size of the existing piles compared to the size of the shed.

Mr. Judd said the footprint of the shed on the plan is 16x20 and the “footprint” of the piles is 20x25. If the stumps are not used, they are proposed to remain.

Co-Chair Jackson moved to continue **NOI 028-3142 Tommy’s Island** to the August 5, 2026 meeting; Member Cook seconded and was approved by Members Cook, Sargent, Iliades, and Jackson.

NOI 028-3139 21 Ferry Hill Road (Stanley & Jill Michalak). *Rebuild of existing dwelling in Riverfront Area and Buffer Zone to Coastal Resource Areas.* [John Judd, Gateway Consultants, Inc.](#)

John Judd, Gateway Consultants, represented and said the property has a preexisting dwelling that they are looking to remove and rebuild. They are proposing to build 11 feet closer to the

river. They have included Riverfront mitigation notes and calculations. They are providing 2:1 native mitigation and there are non-natives on site that can be removed if they need additional mitigation.

Co-Chair Vetere opened and closed the public comment period.

ROLL CALL COMMISSIONER COMMENTS:

Member Sargent would like a two year monitoring period for the mortality of mitigation plants. He would also like a perpetual condition in the COC that prohibits further alteration in the mitigation area except as may be required to maintain the areas in their mitigated condition.

Co-Chair Vetere said the proposed mitigation is attributable to 10.58(5)(e) for exceeding 10% of degraded area, but there should be additional mitigation for expanding the structure closer to the river. That additional mitigation could probably be located along the wooden staircase. If they remove some invasives and add native plantings, that could cover part of it.

Co-Chair Jackson seconded earlier Commissioner comments.

Mr. Schade said removing invasive species and replacing them with native plants would count as restoration. It is also the closest area to the resource area . It would be good to have separate calculations for the restoration and mitigation.

Co-Chair Jackson moved to close the public hearing for **NOI 028-3139 21 Ferry Hill Road**; Member Cook seconded and was approved by Members Cook, Sargent, Iliades, Vetere, and Jackson.

Co-Chair Jackson moved to approve **NOI 028-3139 21 Ferry Hill Road** with the aforementioned conditions. Member Cook seconded and was approved by Members Cook, Sargent, Iliades, Vetere, and Jackson.

NOI 028-3138 67 Crafts Road (Kelly & Michael Smith). *Raze and rebuild of existing dwelling and septic system upgrade in Riverfront Area and Buffer Zone to Coastal Resource Areas.* [John Judd, Gateway Consultants, Inc.](#)

John Judd, Gateway Consultants, represented and said this project is for a rebuild of an existing dwelling. This project has been approved by the ZBA and the Board of Health. It currently has a failing septic system, and it will be replaced with an advanced septic system. He pulled up the plans and showed where the failed septic system is and where the new advanced septic system will be located. The dwelling will not be closer to the home, but they are adding a deck that will be closer to the river. They are providing a 2:1 mitigation area for the increase in degraded area towards the river. There is a bit of ledge on the property, which helped them determine where to place the new septic system.

Co-Chair Vetere opened and closed the public comment period.

ROLL CALL COMMISSIONER COMMENTS:

Member Sargent would like a two year monitoring period for the mortality of mitigation plants. He would also like a perpetual condition noted on the COC that prohibits further alteration of the mitigation area except as may be required to maintain the area in its proposed condition.

Co-Chair Vetere said there were comments from DEP. He asked if they have been incorporated or if he plans to address them. The proposed mitigation area is trivial to 10.58(5)(e) for exceeding 10% of the lot, but there should be additional mitigation for expanding the structure closer to the river (10.58(5)(d)). The entire square footage of the deck doesn't need to be incorporated, only the portion that is closer to the river.

Co-Chair Jackson said mitigation of 318 square feet is scattered throughout the property, but that is not what the plan reflects. It is clumped by the river, which is preferable. She asked how much impact they included in the calculations for the new deck. She asked if the covered porch is new or existing.

Mr. Judd said the covered porch is new and included in the total area of new degraded area.

Mr. Schade asked if the deck was included in the calculation. Areas under decks are considered degraded per MassDEP standards. A riparian area cannot fully establish underneath and cannot revegetate in perpetuity.

Mr. Judd said the deck is not included in the calculations, but they will add it. They will add the transects to the plan as the DEP requested.

Mr. Schade suggested taking a transect further down the slope where the elevation contours are closer together. By the time the slope breaks, the bank might be further up the slope.

Mr. Judd said they can add a transect further down the slope .

Co-Chair Jackson moved to close the public hearing for **NOI 028-3138 67 Crafts Road**; Member Cook seconded and was approved by Members Cook, Sargent, Iliades, Vetere, and Jackson.

Co-Chair Jackson moved to approve **NOI 028-3138 67 Crafts Road** with the aforementioned conditions. Member Cook seconded and was approved by Members Cook, Sargent, Iliades, Vetere, and Jackson.

VI. CERTIFICATES OF COMPLIANCE

RCOC 028-1933 3 Welch Lane - Ratification of unissued 2016 COC

VII. VIOLATIONS

EO-24-01 137 Wingaersheek Road – *137 Wingaersheek, William Thibeault, Public hearing to assess an administrative penalty pursuant to Gloucester Wetlands Ordinance Section*

12-23(d)(2), (3) or (4) for a violation of the Wetlands Ordinance. Richard A. Nylen, Jr., Esq., Lynch, DeCoursey & Nylen, LLP, Michael DeRosa, DeRosa Environmental Consulting, Inc.

Mr. Schade said he was out at a different property and saw that the beach tent and amphibious boat was on the beach in front of 137 Wingersheek. When he walked down, he noticed that vehicles were using the access through the dune and down onto the beach. This is not an approved activity and is not permitted. He showed photographs of the violation. There was another boat parked further down. There was no concrete evidence that they were using the same access point.

Co-Chair Vetere asked if the Commission would like to discuss imposing administrative penalties. There is an open enforcement order on the property prohibiting motorized vehicle use. Both the Order of Conditions and Enforcement Order have this condition. They have just been presented with evidence of vehicles being used on the beach which violates both the EO and the OOC. They have been discussing at previous meetings to restore the path width to three feet and allowing restoration of dune grass to naturally regrow. The homeowner was asked to stake out a three foot width and the photographs demonstrate that was not done. The vehicle tracks demonstrate that vehicles were also used and therefore constitute its own separate violation.

Chip Nylen, Lynch, DeCoursey & Nylen, LLP, represented and said the boats on the beach are sea legs and come in through the water. The homeowner has been careful to use the path as he has for the last 15-20 years. The weekend before the pictures were taken, they chose to use motorized vehicles to transport elderly people. They have since raked out the area. They have also hired a wetland scientist and ordered dune grass to be planted next spring. The intent the whole time has been to do what's appropriate and work with the Commission. They are looking for the ability to get down to the beach. They have not staked out the three foot path, so he will talk to the homeowner about that. He understands this was a violation, but he asked them to think about what the damage would be. He said they are not building, filling, discharging, removing, or dredging the area. That would then leave the question of if they are altering the area. The path has been in the same place for the entirety of their ownership, so they are not disturbing vegetation. He doesn't see evidence of the alteration characteristics identified in the Wetlands Protection Act, but he understands they violated the Enforcement Order.

ROLL CALL COMMISSIONER COMMENTS:

Member Cook said it has been weeks since they told the representative to stake out the three foot walkway, and they have not done it. He doesn't believe this was the first time the vehicles were on the beach. He thinks they are avoiding it to get through the summer and do nothing to comply.

Member Sargent said it is pretty clear that there was a violation, especially because the attorney acknowledged it.

Member Iliades said there was a clear violation of the OOC and the EO.

Co-Chair Vetere said they have seen pictures of dune grass revegetating the path, and a motorized vehicle would destroy the vegetation in the pathway. He read section 12.23(d)(2) from the GWO and said it doesn't require non-compliance with a condition of the EO. The act of

alteration with the land or damage has already occurred with the non-compliance with the OOC that led to the EO in the first place. And now, there is a violation of one of the conditions set forth by the Commission in the Enforcement Order, so they have the grounds to assess the need for penalties. They can issue penalties for up to \$2,000 for each separate violation of conditions in the Enforcement Order that are not complied with and creates alteration.

Co-Chair Jackson said she agrees that several violations of the Enforcement Order have occurred. There were certain terms set forth in the EO and the OOC that have been disregarded. There has been no interest in complying with the conditions. She would like to see the maximum fine for each violation for each day it continues.

Mr. Schade asked if this met the violation criteria proposed under section 12.23(d)(3) for a penalty of up to \$3,000. A violation under this section would be for altering a resource area or a buffer zone contrary to conditions in a permit. The conditions are in the original OOC, so it seems like violating sections 2 and 3.

Mr. Nylen said they are working to get the restoration plan in by the end of July to be at the August 5th meeting. They filed a restoration plan earlier in the spring, and the Commission requested more information. They intend to file the other materials before the Notice of Intent for the boardwalk through the dune. He argued that no alteration occurred as a result of the mechanical cart on the pathway. He said they have already been penalized for the initial violation and he asked if the Commission thinks the resource area was altered this time. He does not believe so. He suggested waiting until the next meeting to see if they comply with the EO.

Co-Chair Vetere said they have outlined the steps the homeowner will take to come into compliance, but that acknowledges they are out of compliance. Until the area comes into compliance, the Enforcement Order and its condition are in effect. The path was supposed to be maintained to be three feet, and the width of the vehicle used is greater than three feet, which is a violation of the OOC and EO. Anything outside of the three foot path is not allowed to grow when there is a vehicle repeatedly driving over it.

Co-Chair Jackson moved to enter a deliberation portion of the public hearing; Member Cook seconded and was approved by Members Cook, Sargent, Iliades, Vetere, and Jackson.

Member Sargent said the goal is always to be in compliance. He thinks there needs to be some penalty to urge compliance with the Enforcement Order. They have evidence this occurred once, and they don't have direct evidence it is ongoing. The attorney admitted there was a violation, so they have irrefutable proof it occurred this time.

Co-Chair Jackson said there are conditions in the EO that have not been complied with and there have been no significant movement towards compliance. She agreed there has only been one incident that they can definitively say has happened. There are other actions that are continuing violations and they need to be more punitive than focusing on education. She has not seen any willingness to move forward with compliance.

Co-Chair Vetere said he can see two violations. One violation would be for the use of motorized vehicles, and the other would be a violation of the requirement to maintain the three foot width

of the pathway. There is evidence of the two violations and acknowledgement that they have occurred. He asked how much of a penalty they should assess. He suggested moving forward under section 12.23(d)(2) with a failure to comply with the conditions in the EO. That fine would be up to \$2,000. They don't have evidence of the violation being ongoing, but it could be if it occurs multiple times.

Member Iliades said they only have the evidence of the violation occurring once. Damage occurred at least once based on the photographs and evidence submitted.

Co-Chair Jackson made a motion to assess a violation for the condition on the enforcement order prohibiting motorized vehicles on the pathway; Member Sargent seconded and was approved by Members Cook, Sargent, Iliades, Vetere, and Jackson.

Co-Chair Jackson made a motion of a second violation for failure to maintain the width of the pathway as required under the Enforcement Order; Member Sargent seconded and was approved by Members Cook, Sargent, Iliades, Vetere, and Jackson.

Member Iliades said the two violations are related, so he recommended the violation in section 12.23(d)(2), for \$2,000.

Co-Chair Vetere said they are two separate violations, so he would do \$1,000 for each violation with a total of \$2,000.

Co-Chair Jackson said she would be okay with \$2,000 for each violation.

The Commission discussed fining under 12.23(d)(2) which would be a violation for failure to comply with the EO or under section 12.23(d)(3), which would be a failure to comply with the conditions in the OOC. The Enforcement Order was a result of the failure to comply with the Order of Conditions. The Commission decided to impose the maximum penalty under 12.23(d)(2).

Co-Chair Jackson moved to impose the maximum penalty of \$2,000 for each of the two violations previously mentioned in terms of use of motorized vehicles on the beach path and in terms of failure to maintain the three foot width of the path. Both are violations of conditions described in the Enforcement Order. Member Sargent seconded and was approved by Members Cook, Sargent, Iliades, and Jackson. Co-Chair Vetere voted no due to the amount determined.

Co-Chair Jackson moved to close the public hearing on fining for EO-27-01 137 Wingaersheek Road; Member Sargent seconded and was approved by Members Cook, Sargent, Iliades, Vetere, and Jackson.

EO-24-08 Whistlestop Way

Mr. Schade said there has been no response from the applicant or their team. He asked how the Commission would like to encourage them to respond. They still have to monitor the plants, remove invasive plants, and trash removal. They had also discussed adding a fence, but that was

outside of the Enforcement Order. He heard from Goddard a few months ago that their contract was not signed. They haven't responded, so he assumes the contract hasn't been signed. He will go through the EO and restoration proposal to see what they promised but haven't delivered on.

EO-24-02 227 Atlantic Road (aka 6 Back Shore Place)

Mr. Schade said they have the same issue with this Enforcement Order as Whistlestop Way.

EO-25-04 145 Atlantic Road

Mr. Schade said this is an ongoing EO, so that's why it is on the agenda.

EO-26-01 35 Massasoit Road

Co-Chair Vetere said the representative would like to schedule a site visit, so they will schedule that before the next meeting.

VIII. OTHER

Member Cook moved to adjourn; Member Sargent seconded and was approved by Members Cook, Sargent, Iliades, Vetere, and Jackson.

Respectfully submitted,

Assistant Conservation Agent Katie Kneeland