City of Gloucester
October 7, 2026
5:30 P.M.
Hybrid Meeting
Rose Baker Center for Aging Well - Downstairs Conference Room
Chair: Peter Vetere

October 7, 2026 MINUTES

Members Present: 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

Chuck Schade, Conservation Agent, listed the following items that have requested to continue:

- **NOI 028-3129 24 Kondelin Road** - request to continue to 10/21/2026
- **NOI 028-3132 13 Concord Street** - request to continue to 11/4/2026
- **NOI 028-3135 37 Rocky Neck Avenue Unit B-1** - request to continue to 10/21/2026
- **NOI 028-3142 Tommy's Island** - request to withdraw without prejudice
- **NOI 028-3158 7 Sumac Lane** - request to continue to 10/21/2026
- **NOI 028-3148 103 Essex Avenue** - request to continue to 10/21/2026
- **NOI 028-3156 23 Concord Street** - request to continue to 10/21/2026

II. PUBLIC COMMENT

Chair Vetere opened the public comment period.

Chair Vetere closed the public comment period.

III. MINUTES REVIEW AND APPROVAL

September 16, 2026

Member Cook moved to approve the September 16, 2026 meeting minutes as amended; Member Sargent seconded and was approved by Members Cook, Sargent, Iliades, and Vetere.

IV. CONTINUED BUSINESS

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 11/18/2026)***

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 11/18/2026)***

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 11/18/2026)***

NOI 028-3153 740R Washington Street (Paul Hadley). *Raise seawall in Riverfront Area, Land Subject to Coastal Storm Flowage and Buffer Zone to Coastal Resource Areas.* Andrew Thibault, Goddard Consulting, LLC ***(Previously continued to 11/4/2026)***

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 ***(Previously continued to 10/21/2026)***

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 10/21/2026)***

Member Cook moved to continue **NOI 028-3129 24 Kondelin Road** to the meeting of October 21, 2026; Member Sargent seconded and was approved by Members Cook, Sargent, Iliades, and Vetere.

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 11/4/2026)***

Member Cook moved to continue **NOI 028-3132 13 Concord Street** to the meeting of November 4, 2026; Member Sargent seconded and was approved by Members Cook, Sargent, Iliades, and Vetere.

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 10/21/2026)***

Member Cook moved to continue **NOI 028-3135 37 Rocky Neck Avenue Unit B-1** to the meeting of October 21, 2026; Member Sargent seconded and was approved by Members Cook, Sargent, Iliades, and Vetere.

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. ***Request to withdraw without prejudice***

Member Cook moved to withdraw without prejudice **NOI 028-3142 Tommy's Island**; Member Sargent seconded and was approved by Members Cook, Sargent, Iliades, and Vetere.

NOI 028-3147 12 Woodward Avenue (William Pierce). *Pile supported pier, seasonal ramp and float in Riverfront Area and Coastal Resource Areas.* John Judd, Gateway Consultants, Inc.

Tyler Judd, Gateway Consultants, represented and said they have made several changes to the project to minimize impacts to the surrounding resource areas. They have added 14 square feet of native salt marsh plantings and 150 square feet of native mitigation plants outside the resource areas.

Chair Vetere opened the public comment period.

COMMISSIONER ROLL CALL COMMENTS:

Member Cook asked if the applicant would agree to a condition that no boats should be tied up on the floats where they would ground out.

Member Sargent said the Shellfish Constable and Herring Warden has expressed concerns over the potential negative impacts a floating dock would have on shellfish resources and spawning diadromous fish in this location. He believes that the conditions suggested at the last meeting, such as the 30 inch standoffs and no boats allowed to ground out or tied up to the floating dock,

and no motorized boats are appropriate. There should also be a condition that the materials must be non-toxic to the marine environment and the floating dock must be removed seasonally and not stored on the salt marsh. He would like a restriction on the placement of the floating dock that it cannot be in place from March 1st to May 31st to protect diadromous fish. This time frame approximates the DMF recommendation for TOY restrictions for rainbow smelt, alewife, and American eels. There should be a two year monitoring period for the mortality of mitigation plants and a perpetual condition noted on the COC that prohibits further alteration within the mitigation areas except as may be required to maintain the area in its mitigation condition.

Member Iliades seconded the conditions about restricting tie ups and motorized vessels.

Chair Vetere stated he reviewed the recording of the last meeting on this matter. He asked for clarification on the change that was made based on the harbormaster's comments about relocating the ramp or float.

Mr. Schade asked if they could speak to the plants that are being proposed. The area they are proposing to plant also had non-native removal. He asked about the timeline for that area.

Mr. Judd said they would remove the non-natives first and then add the new native mitigation plants. To address the harbormaster's comments, they brought the float inwards closer to the ramp by a few feet. The ramp and float now overlap by about five feet. They can add a comment to the plan saying they modified it.

Member Cook moved to close the public hearing for **NOI 028-3147 12 Woodward Avenue**; Member Sargent seconded and was approved by Members Cook, Sargent, Iliades, and Vetere.

Member Cook moved to approve **NOI 028-3147 12 Woodward Avenue** with the aforementioned conditions; Member Sargent seconded and was approved by Members Cook, Sargent, Iliades, and Vetere.

NOI 028-3158 7 Sumac Lane (James Montagnino, Jr.). *Seasonal docks and gangway in Coastal Resource Areas*. James Montagnino, Jr. ***(Request to continue to 10/21/2026)***

Member Cook moved to continue **NOI 028-3158 7 Sumac Lane** to the meeting of October 21, 2026; Member Sargent seconded and was approved by Members Cook, Sargent, Iliades, and Vetere.

V. NEW BUSINESS

NOI 028-3163 6 River Road (David McSweeney). *Retaining wall construction in Riverfront Area*. John Judd, Gateway Consultants, Inc. **Heard out of order**

Tyler Judd, Gateway Consultants, represented and said they are looking to redevelop the concrete retaining wall and the associated stairs. The stairs are already existing and the wall wraps around to the back of the house. The old stone wall will be redone. The new wall is being

moved 11 feet further away from the river and the proposed wall is 38 feet in length. Construction access will be from the existing road and there will not be any tree removal. The wall and stairs are outside of the flood zone. The project results in 42 additional square feet of mitigation area. They are proposing 236 square feet of mitigation area around the new wall, which is above what is requested.

Chair Vetere opened the public comment period.

COMMISSIONER ROLL CALL COMMENTS:

Member Sargent said he would like mitigation plantings to be closer to the resource area. There should be a two year monitoring period for the mortality of mitigation plants and a perpetual condition noted on the COC that prohibits further alteration within the mitigation areas except as may be required to maintain the area in its mitigation condition.

Mr. Schade asked if there are any plans for a patio or other impervious materials in the area where it is going to be excavated between the house and the wall. He asked if the area would be vegetated.

Mr. Judd said that area will have a pervious patio below the stone wall. The terrace shown on the plan will remain lawn.

Chair Vetere asked them to revise the plan to show a pervious patio.

Mr. Judd said they will add mitigation plants closer to the resource area and the pervious patio.

Member Cook moved to close the public hearing for **NOI 028-3163 6 River Road**; Member Sargent seconded and was approved by Members Cook, Sargent, Iliades, and Vetere.

Member Cook moved to approve **NOI 028-3163 6 River Road** with the aforementioned conditions; Member Sargent seconded and was approved by Members Cook, Sargent, Iliades, and Vetere.

NOI 028-3148 103 Essex Avenue (Pietro & Kayla Cannavo). *Addition to existing dwelling on piers in Land Subject to Coastal Storm Flowage*. John Judd, Gateway Consultants, Inc. ***(Request to continue to 10/21/2026)***

Member Cook moved to continue **NOI 028-3148 103 Essex Avenue** to the meeting of October 21, 2026; Member Sargent seconded and was approved by Members Cook, Sargent, Iliades, and Vetere.

NOI 028-3156 23 Concord Street (Richard Blewitt). *Garage addition in Riverfront Area and Buffer Zone to Coastal Resource Areas*. Richard Blewitt ***(Request to continue to 10/21/2026)***

Member Cook moved to continue **NOI 028-3156 23 Concord Street** to the meeting of October 21, 2026; Member Sargent seconded and was approved by Members Cook, Sargent, Iliades, and Vetere.

NOI 028-3159 10 Gale Road & 40 Sargent Street (Sargent Street Corp.) *Roadway, stormwater management, and associated utilities in Buffer Zone to Bordering Vegetated Wetland*. Greg J. Hochmuth, Epsilon Associates, Inc.

There were three representatives present for the project:

1. Greg Hochmuth, Epsilon Associates, Inc.
2. Chris Tymula, Greenman Associates, Inc.
3. Michael Gitten, Atlas Technical Corporation

Mr. Hochmuth showed aerial imagery of the site and explained the current site conditions. There are some structures left, but the site is mainly vegetated with pavement or gravel areas. The area used to operate as a junk yard and then transitioned to a recycling center, then back to a junk yard. You can't see the wetland line in the aerials, but it pretty much follows the edge of disturbance. He delineated the wetlands in June 2026 and the line is close to the previous disturbance boundary. The 100 foot buffer zone from the BVW is on most of the property. They are looking to construct a road for a subdivision off Schoolhouse Road. The road will be about 400 - 465 feet long from the entrance to the cul-de-sac. There will also be stormwater improvements like deep sump catch basins, drain manholes, and infiltration basins that include sediment forebay. No BVW are proposed to be altered as a result of the project proposal. He did not find any culverts, but he assumes there are some culverts in the BVW to connect it with the stream on the other side of the train tracks. There are two intermittent streams connected to the BVW. One runs parallel to the train tracks and the other conveys water towards Schoolhouse Road. All of the parcels total about 9.5 acres. The purpose of the project is to divide the lot so the land can be marketed and eventually developed. They are not proposing a building of any kind. Erosion control is proposed to be in place until all areas are stabilized. The stormwater designs have been designed in accordance with the Mass DEP Stormwater standards and the City of Gloucester stormwater standards. He acknowledged that the Commission will likely request a third party review on this project. They are lifting the road to even the grade, so they are proposing to add a retaining wall along the road to keep the area vegetated and not grade near the wetland. The area has been used by homeless people over the years, and they would expect a condition to clean up some of the debris and trash that has entered the wetland.

Chair Vetere asked them to speak about the activity and use limitation and where the proposed work falls in relation to that.

Mr. Hochmuth said the AUL (Area of Use Limitation) is shown on the plan and highlighted that on the plan to show the Commissioners. AULs are associated with contamination on the site and certain activities are not allowed within those areas.

Mr. Gitten said the portion of the site to the left of the highlighted line on the site plan has an AUL on it. The AUL requires that a professional be involved in the management of the soil especially if they are digging more than 20 yards of soil they need a soil management plan. This ensures the soil either goes back where it came from or it is managed properly off site. THey will need to remove some soil to allow things to perform like they want them to.

Chair Vetere opened the public comment period.

Russell Hobbs, 1166 Washington Street, spoke in opposition to any construction on these lots, including a road. He spoke on the history of the land usage and said the owners filled other wetlands around town with ash and cinder. He said in 1975, the Conservation Commission allowed fill behind the Linksy's junkyard. When he worked at the junkyard, they drained oil and other car fluids directly onto the ground and did not properly clean materials. He urged the Commission to not allow activity unless they are properly cleaning the site.

Marianne Hobbs Boucher, 2 Gale Road, said the 2002 restriction says the top four feet of soil contain heavy metals, petroleum, and PCBs, all the way down to the water table. The restriction says industrial use is safe only when the pavement stays intact and the soil is left alone. It also requires a licensed professional soil management plan before digging can take place. The submitted stormwater report does not check off the section for a contaminated site. The Gloucester Health Department noted that multiple catch basins are within the restricted area. Catch basins will catch runoff, and the stormwater report mentions the runoff on site flows into the wetlands. Erosion control measures will stop mud, but not contamination. She could not find calculations on how much of the buffer zone would be disturbed. She would like further review to determine answers to her concerns.

Marjorie Grace, 14 Hawthorne Road and Ward 3 City Councilor, said there is vegetation growing on the site, and many families that live nearby. There are potential health hazards associated with the health of the wetlands and proposed development. She expressed concern over not knowing future development plans.

Chair Vetere closed the public comment period.

COMMISSIONER ROLL CALL COMMENTS:

Member Cook said Schoolhouse Road is a very steep area and they put in many features to capture rainwater and runoff. He is not sure if the design is going to adequately capture any or all of the rainwater that is going to be coming from the area. Based on the contamination level, all of the soil in the proposed roadway needs to be tested, regardless of if they are excavating 20 yards or not. They should be informed before any grading takes place on site.

Member Sargent said this is the northern end of what once was the 1,500 acre Great Harbor Swamp. Most of it has been filled in at this point. He mentioned that there was no mention of tree removal or any proposed mitigation measures. He asked if soil augers were used to determine if hydric soils were present in the disturbed areas just outside of wetland plant indicators. The stormwater drainage system must comply with CRE criteria in order to be effective. They must be designed, operated, and maintained properly. Water quality is important,

but the quantity of water must not be overlooked. Changes in water volume can have a severe impact on the downstream stormwater systems and wetlands. He would like confirmation that groundwater recharge will be the same pre- and post- development. The NOI stated there might be a reduction in peak flows, and that would impact recharge with wetland resources, like the one on Whistlestop Way. That area is currently undergoing restoration and a change in recharge would severely impact the area. He asked how the drainage class or hydrologic soil group was determined with the test pits had no naturally occurring soil. The test pit logs indicated standing water and refusals at the same elevation as estimated seasonally high ground water with no data on redoximorphic soils. Usually estimated seasonally high groundwater is above refusal and standing water. This is a highly disturbed site and there will need to be a great deal of soil rehabilitation within the stormwater infiltration area. It will be necessary to excavate laterally as well as horizontally to remove unsuitable material. The excavation should be monitored by an independent third party that is trained and certified in identifying naturally occurring soil and estimated seasonally high groundwater. Site analysis should be provided to ensure compliance and be witnessed by the third party. It appears that the stormwater was designed for the roadway alone and does not take future development into account. It should be conditioned that any added flow to the stormwater system must be fully reviewed by the Conservation Commission so it would not impact the integrity of the stormwater drainage system and wetland resources. Copies of maintenance reports should be provided to the Conservation Commission on an annual basis. He would like a third party reviewer to respond to concerns as well as the proposed conditions.

Member Iliades said he would also like a third party review. He is concerned about the infiltration basins and how they will function with the contaminated soils in the area. He was under the impression that there needs to be an abatement plan filed with DEP for some of the fill that is going to be removed for the road project. He asked if they need to see that before they make any decisions.

Chair Vetere would also like to see a third party review on the potential feasibility of the stormwater infiltration system given the contaminated soils and site history. His understanding is that under the AOL, if more than 20 cubic yards of soil are disturbed on site, then all work has to be performed under a soil management plan and release abatement measure plan overseen by the DEP's Bureau of Waste Site Cleanup. This site has two release tracking numbers so any work done will be overseen by the DEP and will be highly regulated. Contaminated soil will likely be excavated and will be shipped out of state to be cleaned and clean fill will be brought back in. If any development happens in the AOL area, there will be further investigation and measures taken to protect the area. At the moment, with his understanding of the AOL, the pavement will stay and none of the subsurface soil will be disturbed to comply with the activity use limitation. Based on discussions at the Planning Board meeting, he thinks they are preparing a RAM plan with the DEP, and he would like a condition that Conservation be copied on any of those filings with DEP. It would be appropriate to have an independent LSP on behalf of the Conservation COmmission to ensure any soil management, categorization, and excavation is done with an independent review. For the ConCom third party review, he would like to see an analysis of the impact of roadway drainage on water quantity entering the BVW. He would also like a condition to incorporate wildlife friendly street lighting with appropriate shielding and light wavelengths to be installed for all lighting that goes along the roadway. He would also like to see design changes to incorporate mitigation plantings between the roadway and the BVW. If there are any changes

that need to be made to the start of the roadway based on Planning Board comments, they need to see a revised plan highlighting the changes.

Mr. Schade said the Commission should make a motion to officially recommend this go to a third party review. He agreed that there could be more information provided about what is proposed for the buffer zone and mitigation. This area has been impacted by many activities over the year and there is a lot of room for improvement. The work is proposed to go up to the wetland's edge, so it would be nice to see what is proposed and what native plantings can be done to construct a better buffer zone that would have a better outcome for the wetland. He acknowledged that there are a lot of technical issues with the groundwater, existing soils, etc. The soil tests did not get below the subsurface pavement, and he is curious as to what is below that and if there is additional contamination.

Mr. Hochmuth said they will take all the comments into consideration and will respond to all the comments when they receive the third party review.

Member Cook moved for a peer review for **NOI 028-3159 10 Gale Road & 40 Sargent Street**; Member Sargent seconded and was approved by Members Cook, Sargent, Iliades, and Vetere.

Member Cook moved to continue **NOI 028-3159 10 Gale Road & 40 Sargent Street** to the meeting of November 4, 2026; Member Sargent seconded and was approved by Members Cook, Sargent, Iliades, and Vetere.

Mr. Schade said the Planning Board was planning to have a site visit next week and asked if the Commissioners would like to attend the meeting as well.

ANRAD 028-3164 2 Beachland Avenue (Essex By The River LLC.). *Abbreviated Notice of Resource Area Delineation*. Chris Frattaroli, Goddard Consulting

Chris Frattaroli, Goddard Consulting, represented and said there are numerous wetlands on site. There are three BVWs on site. Wetland A follows the southern property boundary, Wetland B rings around the pond, and follows the phragmites. And Wetland C follows the northern section along the pond. Land Subject to Coastal Storm Flowage spans the vast majority of the parcel. The site also has Barrier Beach and splits the lot in half. Epsilon Associates performed soil bores along transects of the parking lot. The site is so intensely used that it doesn't appear to be a beach or dune at first glance. They had to look at the subsurface sediments to properly delineate the area. The analysis done by Epsilon used the coefficient of uniformity (CU) to analyze the soil boring results. Numbers closer to one or two means the sediments are the same size and would be found on a dune or barrier beach. If the coefficient of uniformity is greater than 2, they are sediments that are commonly glacially deposited.

Chair Vetere opened the public comment period.

John Hyland, 161 Thatcher Road, asked what the purpose of the application is. He said the wetlands used to be filled with otters, birds, turtles, and other wildlife and now the area doesn't look as pristine as it was.

Mr. Frattaroli said this application is solely to confirm the accuracy of the wetlands shown on the plan. He said the reason the area is likely more muddy now is because of the prolonged, severe drought, rather than the soil borings.

Leonard Gyllehall, 32 Rockport Road, said the pond used to extend to where the lots on Thatcher Road are. Previous owners would fill the lot with crushed stone when the lot would fill up with water. He does not believe that the sediment would be standard throughout for that reason.

Deborah Winestock, 34 Rockport Road, asked how the Conservation Commission approaches confirming the wetland boundaries presented. She also asked how deep the soil bores went down. She also confirmed that gravel was spread on the lot every year. She asked if they would test for contamination given that it is a parking lot.

Chair Vetere closed the public comment period.

COMMISSIONER ROLL CALL COMMENTS:

Member Cook asked how the lines were drawn along the pond. The water line shown was done in 2025, and not when the rest of the wetland flags were done. If the edge of the water is right there, he assumes the wetland line extends further into the parking area. He would like more detail on how the flagging was done along the pond.

Member Sargent said this is a highly disturbed area and historically, the area behind Good Harbor Beach was called Saratoga Creek. At one time, the area behind Long Beach was hydraulically connected to Good Harbor. The soils are mentioned to be hooked soils, which are from dune systems. Historically, Long Beach had pitch pines on the beach dunes before the area was filled. He asked if soil augers were used to determine if hydric soils were present in the disturbed areas outside out the water and planting indicators. USGS shows a perennial stream crossing the pond on the western side of the parcel to the wetland on 2 Beachland. Riverfront Area should also be included on the parcel. They had a similar previous project, and they hired a third party reviewer because the complexity of dune vs. non-dune was difficult to understand. He asked if that would be appropriate in this situation as well.

Member Iliades seconded earlier comments. He thought a third party review would be fit given the level of disturbance on the property.

Chair Vetere asked where the floodwaters come from when the lot is flooded. Does it come from the coast and the beach or does it come up through the perennial stream.

Mr. Schade said he made a site visit to look at the delineations submitted. He has done many delineations and has reviewed several more through his time as the Conservation Agent. The Commissioners have different experience with delineations and soil surveying, so they add their input when reviewing the presented delineations. This area is very technical because of all the fill and disturbance that has occurred over the years. For the wetland delineation, there is often standing water on top of the parking area, and the ground water is very high. During his site visit, he noticed sensitive fern and other obligate wetland species outside of the delineated wetland line. He asked how they determined whether or not they have wetlands with problematic soils or problematic vegetation because of the disturbance. He thinks the coefficient of uniformity is just

showing areas where they have fill vs. natural material. 29 soil borings were done, but there is only data for 18 borings. In Figure 3, there are duplicate numbers, unnumbered points, and missing numbers. A definitive line is drawn on the top and the bottom of the barrier beach delineation, but there are no test pits outside of that line. A peer review could be a good way to get an objective technical assessment of the area. Having fill does not make an area not a dune, and if the material moves around during a storm event, it would be considered part of the barrier beach. The flood elevation on Thatcher Road is a couple feet higher, which means there could be energy coming from both directions during a storm event. Just because there is no wind blown sand on the parcel right now, it does not mean the area is not a dune. He also acknowledged that there is a perennial stream nearby, so they can either include Riverfront Area on the ANRAD or mention that RFA is not included when an ORAD is issued.

Mr. Frattaroli said the CU refers to the consistency in grain size, not in soil types throughout the soil. The soil bores went about six feet deep. The edge of the water line was drawn by an engineer, and Mr. Frattaroli did not pay attention to that line when he delineated the wetlands. The edge of that pond is not something they are confirming with this delineation. They always factor soil into their delineations and agreed that this site is very difficult. The vegetation break on this site is instructive. He agrees there is a stream on the USGS map, but there isn't much of a stream present in the field. He will look into it with the team in the field. As far as the duplicate and missing information, he will double check all the information that was submitted.

Member Cook moved for a peer review for **ANRAD 028-3164 2 Beachland Avenue**; Member Sargent seconded and was approved by Members Cook, Sargent, Iliades, and Vetere.

Member Cook moved to continue **ANRAD 028-3164 2 Beachland Avenue** to the meeting of October 21, 2026; Member Sargent seconded and was approved by Members Cook, Sargent, Iliades, and Vetere.

NOI 028-3162 2 Wallace Court (Emily Foley). *Septic system replacement in Riverfront Area and Buffer Zone to Bordering Vegetated Wetland*. Emily Foley

Emily Foley, 2 Wallace Court, represented and said they are proposing to replace the existing septic system on site. They are adjacent to Wallace Pond and its spillway. They are proposing a Presy environmental septic system to replace the existing septic system which has two cesspools and a drywell. The new septic system will be installed in the side yard where the cesspools are located. The new system will have a leech field and a distribution plumbing, and pump fault system will connect the tank uphill. The drywell will be abandoned. There are several ornamental trees and two native trees will be removed for the leechfield and they will be replaced with native species at a 2:1 ratio. The proposal has been approved by the Board of Health.

Chair Vetere opened and closed the public comment period.

COMMISSIONER ROLL CALL COMMENTS:

Member Sargent said he would like this to have yearly inspections to make sure it is functioning properly.

Member Cook moved to close the public hearing for **NOI 028-3162 2 Wallace Court**; Member Sargent seconded and was approved by Members Cook, Sargent, Iliades, and Vetere.

Member Cook moved to approve **NOI 028-3162 2 Wallace Court**; Member Sargent seconded and was approved by Members Cook, Sargent, Iliades, and Vetere.

NOI 028-3160 7 Sumac Lane (James Montagnino). *After-the-fact filing for fill, crushed stone, cobblestone edging, loam, wharf maintenance, water service, and repairs to deck in Land Subject to Coastal Storm Flowage, and Buffer Zone to Coastal Resource Areas*. Thomas P. Ciarametaro, Jr., Five Fathoms Consulting

TJ Ciarametaro, Five Fathoms Consulting, represented and said at the last meeting to discuss the Enforcement Order, they were asked to put a sign out front with the EO number (EO-26-02), which they have done. He reviewed the work that has been done and the materials that have been brought to the property. He showed before and after photographs of the site. He showed photos of the stairs and deck that were replaced and said there was no expansion of the footprint. Some sections of the seawall are falling apart, and they are proposing to remortar the joints and replace some of the rocks that have fallen out as a part of this NOI. They also did not finish the irrigation system, so they would like to include that as part of this application. They are proposing to put in a small underground hose that connects to an actual hose that would go down to service the deck.

Chair Vetere opened and closed the public comment period.

COMMISSIONER ROLL CALL COMMENTS:

Member Cook asked if the old lawn was taken out and trucked offsite. They saw all the new material, but he would like to know what happened with everything they had to take offsite.

Member Sargent said that after the fact work is permitable, but he would like native mitigation considering it is in LSCSF. He has a preference for shrubs or other vegetation that would lessen wave action and roots might help retain sediment so they are not losing as much through the seawall or to sinkholes.

Member Iliades said he had previous concerns that the grade was significantly raised, but after reviewing the application material, it seems to be more of an edging. He agrees that the work is permittable.

Chair Vetere asked if the face of the seawall is going to be smooth or rough. Rough walls are better at dissipating wave action. He asked if they could keep slime of the cobbles and rough walls present to dissipate the wave energy. He would also like a condition that work is performed at low tide so the materials aren't falling into the water and that proper containment measures are put in place. If Chapter 91 licenses or approvals are needed, that should be obtained prior to any work on site.

Mr. Schade said the work to retrieve the stones should not use any equipment in the intertidal area. He also wants to make sure that they are only taking rocks that have fallen from the wall, and not ones that are naturally there.

Mr. Ciarametaro said the existing grass and gravel on site was dumped at a gravel location in Ipswich and nowhere else on site or in the river. Based on preliminary calculations, he estimates the grade was only raised about 0.008 inches after the removal and replacement of sod and gravel. There were already a significant number of plants that went in around the home, but they can discuss adding plantings on the lawn or adding more to the existing beds. They are not smoothing out any seawalls and they will perform all work at low tide without heavy machinery. The rocks that have fallen out are no larger than volleyballs.

Member Sargent said they recently approved vegetation on wharfs to act as mitigation. Beach plums or bayberry could be planted around the border to act as mitigation and protect some of the sinkholes.

Mr. Ciarametaro said the applicant intends to raise the seawall in the future so he isn't sure that plantings around the wall would be a good idea. He wouldn't want to plant something and then remove it for later work. He can work with the applicant to determine shrubs that would fit the area and future projects.

Chair Vetere asked what the height of the current wall is compared to the FEMA elevation.

Mr. Ciarametaro said the wall is about five feet above sea level at mean high water, but doesn't remember the exact height. It is well below the FEMA flood zone.

Member Cook moved to close the public hearing for **NOI 028-3160 7 Sumac Lane**; Member Sargent seconded and was approved by Members Cook, Sargent, Iliades, and Vetere.

Member Cook moved to approve **NOI 028-3160 7 Sumac Lane**; Member Sargent seconded and was approved by Members Cook, Sargent, Iliades, and Vetere.

NOI 028-3161 11 Old Salem Path (Steve Mscisz). *Pool and associated equipment construction in Buffer Zone to Coastal Bank*. Michael DeRosa, DeRosa Environmental Consulting, Inc.

Jordan Folds, DeRosa Environmental Consulting, represented and said there is an existing single family home on the lot and they are proposing to add a saltwater pool and associated equipment storage. They are not anticipating grading or blasting would be necessary for the project. They are proposing 720 square feet of native mitigation plants. She gave an overview of the proposed native plants.

Chair Vetere opened the public comment period.

Susan Copelas, 13 Old Salem Path, said the plans presented do not show all the plantings or trees on her property. Her property is elevationally lower than 11 Old Salem Path and she is concerned that any runoff or drainage would discharge to her property. She is concerned that the proposed plantings would be damaged in the event of a pool leak or other potential issue. She was also

concerned that the erosion control would be on her property. She also expressed concern over the noise during construction.

Chair Vetere said they can condition the project so any discharged water is not drained to a wetland.

Chair Vetere closed the public comment period.

COMMISSIONER ROLL CALL COMMENTS:

Member Cook expressed concern over the mitigation plantings. He commented that the area is very rocky and asked if they will have to bring in fill.

Member Sargent asked that the pool draining be done in a responsible manner and asked if it could be trucked offsite so the neighbor's property does not flood. He seconded the rocky area comments and asked if blasting is proposed. He asked for a two year monitoring period for the mortality of mitigation plants and a perpetual condition noted in the COC that prohibits further alteration within the mitigation areas except as may be required to maintain the area in its mitigated condition.

Ms. Folds said they are proposing to bring in fill for the mitigation plants and they picked low growing herbaceous plants to give them a higher chance of survival. There will not be any blasting as part of this project. The client would also be okay with draining the pool off site or out of the resource area and having the dewatering adequately treated.

Member Cook moved to close the public hearing for **NOI 028-3161 11 Old Salem Path**; Member Sargent seconded and was approved by Members Cook, Sargent, Iliades, and Vetere.

Member Cook moved to approve **NOI 028-3161 11 Old Salem Path** with the aforementioned conditions; Member Sargent seconded and was approved by Members Cook, Sargent, Iliades, and Vetere.

ANRAD 028-XXXX 19 Estuary Way (Jay McNiff). *Abbreviated Notice of Resource Area Delineation*. Andrew Thibault and Michael Schmidt, Goddard Consulting

Chris Frattaroli, Goddard Consulting, represented and said they are looking to confirm the wetland delineation on the site. The salt marsh followed the low lying area along the bottom of the hill. There are a few perennial streams associated with the salt marsh that have a 200 foot area of protection. LSCSF is also on the property at elevation 13 and coincides with the top of the coastal bank in some areas. They also provided transects for the coastal bank delineation. There is also a smaller BVW on the property further away from the coastal areas.

Chair Vetere opened and closed the public comment period.

Member Cook moved to continue **ANRAD 028-XXXX 19 Estuary Way** to the meeting of November 4, 2026; Member Sargent seconded and was approved by Members Cook, Sargent, Iliades, and Vetere.

NOI 028-3165 29 Horton Street (Richard Leavitt). *Access landing, gangway and seasonal float in Land Subject to Coastal Storm Flowage, Coastal Resource Areas and Buffer Zone to Coastal Resource Areas*. Thomas P. Ciarametaro, Jr., Five Fathoms Consulting

TJ Ciarametaro, Five Fathoms Consulting, represented and said they are proposing a landing, gangway, and seasonal float. The float is under 600 square feet and is seasonal. They are applying under a 10A float permit with a seasonal component. The aluminum pier will be attached and bolted down to the existing outcroppings. The gangway will extend to a bottom anchor T-float. The gangway is 40 feet.

Chair Vetere opened and closed the public comment period.

COMMISSIONER ROLL CALL COMMENTS:

Member Cook asked how the float is going to be stored for the winter.

Mr. Ciarametaro said the gangway will be moved at Cape Ann Marina where most seasonal structures are stored seasonally.

Member Sargent would like the harbormaster's comments to be addressed.

Chair Vetere would like a condition requiring Chapter 91 or 10A permits to be obtained prior to construction commencing. He would also like a condition that any seasonal materials are stored outside of resource areas.

Mr. Schade said the DEP issued comments regarding the coastal bank delineation. He isn't sure this is something they need to fully evaluate because they are just anchoring to the rocks and it shouldn't be destabilizing the bank in the area.

Mr. Ciarametaro said the coastal bank is not shown on the plan because it is more landward and the structure is technically within the coastal bank.

Chair Vetere said they can include a note in the Order of Conditions that the coastal bank delineation was not reviewed or approved in the OOC.

Mr. Ciarametaro said the mooring plan will be in accordance with the Gloucester Waterways regulations and they are within the Harbormaster setbacks and federal channel line. This is a seasonal float that will not be in the water in the winter.

Member Sargent would like to ensure all materials are non-toxic to the marine environment.

Member Cook moved to close the public hearing for **NOI 028-3165 29 Horton Street**; Member Sargent seconded and was approved by Members Cook, Sargent, Iliades, and Vetere.

Member Cook moved to approve **NOI 028-3165 29 Horton Street** with the aforementioned conditions; Member Sargent seconded and was approved by Members Cook, Sargent, Iliades, and Vetere.

VI. CERTIFICATES OF COMPLIANCE

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

RCOC 028-1165 64 Holly Street

Mr. Schade said the area looked good. There was fill that was added, then removed and the invasives took over the mitigation area. When they initially filed for a COC, the Commission issued a friendly enforcement order to allow them to bring the area back into compliance. The area looks good now. When he was out for his site visit, he noticed a trench for a French Drain in the back of the house. This was likely done by the current owners and is not part of the OOC or EO. He suggested that could be after the fact permitting with the new homeowners.

Mike DeRosa, DeRosa Environmental Consulting, represented and said the site is completely vegetated and the shrubs they initially planted are about 10-12 feet high. They planted elderberry, winterberry, and blueberries throughout the restoration area.

Mr. Schade said the only continuing condition was the one associated with the enforcement order for long term monitoring of the invasive species.

Chair Vetere said it would make sense to close out the EO and COC with the previous homeowner and follow up with the current homeowner for the french drain trench.

Member Cook moved to approve **RCOC 028-1165 64 Holly Street**; Member Sargent seconded and was approved by Members Cook, Sargent, Iliades, and Vetere

Member Cook moved for a return to compliance for **EO-24-05 64 Holly Street**; Member Sargent seconded and was approved by Members Cook, Sargent, Iliades, and Vetere.

VII. VIOLATIONS

EO-26-02 7 Sumac Lane - Unpermitted fill, wall, and construction in Land Subject to Coastal Storm Flowage, Coastal Resource Areas and Buffer Zones. Ratification of Enforcement Order. James Montagnino, Jr.

Chair Vetere said they received the NOI application which was what the EO called for.

Member Cook moved for a return to compliance for **EO-26-02 7 Sumac Lane**; Member Sargent seconded and was approved by Members Cook, Sargent, Iliades, and Vetere.

Mr. Schade asked Mr. Ciarametaro to notify the applicant that there is an appeals period and no work can happen during that time.

EO-24-01 137 Wingaersheek Road - *Discussion of Restoration Plan, resource delineation, establishment of demarcated 3-foot wide pathway, and cessation of the use of motorized vehicles on the pathway.* Richard A. Nylen, Jr., Esq., Lynch, DeCourcey & Nylen, LLP; Michael DeRosa, DeRosa Environmental Consulting, Inc.

Mr. Schade said there is still language in the restoration plan that talks about not using motorized vehicles on the path during piping plover nesting season. This implies that they would be allowed to use vehicles in these areas outside of plover nesting season. This is not an activity that was approved in the Order of Conditions or under the Enforcement Order. He asked if the Commission would be comfortable with approving the restoration plan with this language. He asked the applicant team to remove this, but no changes were made.

Chair Vetere agrees with the interpretation and if they would like to pursue that use, it would have to be part of a new filing they would make. It would not be part of a return to compliance or COC.

Member Cook would like to take the working they used for 139 Wingaersheek Road and apply it to this property.

Richard Nylen, Lynch, DeCourcey & Nylen, represented said they can change the language and resubmit or the Commisison could approve it now conditional on the fact that they would change the language. They did research for the NOI application and found that no plantings took place in 2012 as part of a previous filing. They will include that in the NOI and show what was actually planted. The NOI plan doesn't specify that the path is three feet wide, so they can make a note of that if the Commission would like.

Mr. Schade said the Commissioners previously discussed adding snow or sand fencing to the pathway to help fill in the low areas in the dune. That is not currently in place or on the plan so he asked if that is something the Commissioners would like to see.

Member Cook asked if anyone has been to the site since the big storm last week to see how much sand has blown onto the pathway.

Mr. DeRosa said he likes the idea of looking at the site to see how the storm impacted the sand movement. He is not the biggest fan of sand fencing because it can get trapped in the dune and present a hazard. To build up the dune, he would be more inclined to plant more beach grass in the low areas to build it up naturally.

COMMISSIONER ROLL CALL COMMENTS:

Member Sargent said the pathway area is a dynamic environment and the landscape makeup does change a lot in this area.

Member Iliades said if the plants are going in next year, can they even approve a return to compliance at this moment.

Mr. Schade said the planting in place and established is a step on the enforcement order. The restoration plan is the mechanism to allow them to move forward in the Commission's vision. He

thinks they are a few steps away from a return to compliance on the EO. They would also want a revised plan showing the proper pathway width and no mention of a mobi mat.

Member Cook moved to accept the restoration plan for **EO-24-01 137 Wingaersheek Road** with the aforementioned conditions; Member Sargent seconded and was approved by Members Cook, Sargent, Iliades, and Vetere.

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

Mr. Schade reached out to the property owners and the restoration work is scheduled to start next week. He will try and get an update for the next meeting.

EO-24-08 Whistlestop Way Anthony Simboli; Michael Schmidt, Goddard Consulting

Mr. Schade said work was intended to resume in the coming weeks and the Spring and Summer report will be submitted soon.

EO-25-04 145 Atlantic Road Michael DeRosa, DeRosa Environmental Consulting, Inc.

Mr. Schade said they have had inquiries about the pile of stone on the ocean side parcel. They were told months ago that the stones were going to be used to construct an apron for the driveway, but the stones are still in place. He reached out to the applicant and homeowner and got a response that many people have taken stones and they no longer have enough for the apron. They will now be used to line the driveway instead. It sounds like that work has already started, but he will continue to follow up.

Chair Vetere asked if the pile could be moved to the other lot and off the ocean side parcel. He also asked if the restoration plans should be revised to show stones lining the driveway rather than an apron.

Member Sargent said they initially asked for the cobbles to be placed on 145 Atlantic Road after the restoration work took place. He asked if that has been done yet.

Mr. Schade said he can check with the homeowner and applicant on their questions..

EO-26-01 35 Massasoit Road Joel Favazza, Seaside Legal Solutions, P.C.

Mr. Schade said there should be a restoration plan submitted sometime soon.

Chair Vetere said it has been coming up on two months that they have been waiting on the restoration plan update.

Mr. Schade said he will check in again.

VIII. OTHER

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

Respectfully submitted,

Assistant Conservation Agent Katie Kneeland