CITY OF GLOUCESTER
CONSERVATION COMMISSION MINUTES
WEDNESDAY August 15, 2012 - 7:00 PM

CITY HALL, KYROUZ AUDITORIUM
ROBERT GULLA, CHAIRMAN

Members Present: Robert Gulla, Chair, John Feener, Hugh Prichard, Steve Phillips, Charles Anderson, Ann Jo Jackson-Absent, Barry Gradwohl- Absent
Staff: Lisa Press, Agent, Pauline Doody, Recording Clerk

Items may be heard out of listed order.

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

28-2108 re-sign duplicate order

II. PUBLIC COMMENT -

Councilor Paul McGeary, 31 Eastern Ave

Councilor McGeary thanked the commission for their work and support in conjunction with the Brierneck Crossing parcel. City Council did not approve the loan. Friends of Good Harbor friends are now studying other ways to achieve their goal.

III MINUTES REVIEW
Motion: Approval of the August 1, 2012 minutes
1st: John Feener
2nd: Charles Anderson
Vote: Approved 4-0 with Hugh Prichard abstaining

IV Block 1*
A. Continuation- 28-2218-5 Aileen Terrace Notice of Intent submitted by John Haley Jr. to enlarge existing floating dock in a coastal resource area. (Map 137, lot 3).
Applicant requests continuation to September 5, 2012.

Motion: To continue the project at -5 Aileen Terrace Notice of Intent submitted by John Haley Jr. to enlarge existing floating dock in a coastal resource area. (Map 137, lot 3) to September 5, 2012
1st: Steve Phillips
2nd: Charles Anderson
Vote: Approval 5-0

B. New- 28-2223- 222R Atlantic Street, Lelia Noveletsky, to determine the Resource Area Delineation (Map 256, lots 51,53,54,57,62,63).

Presenter: Paul Marchionda, Marchionda Associates.
Mr. Marchionda stated that a Wetland Scientist had been hired and two resource areas were delineated on the site. He reviewed the site plan with the commission.

Commission Comments:
Ms. Press stated that it was determined that there was a need for a third party review because there is a question of other resource areas and dune on site and because it is a very dense site. Three bids were sent out and Rimmer Environmental was selected to do the review.
Public Comment: None
Motion: To approve Rimmer Environmental as third party reviewer for the project at 222R Atlantic Street, to determine the Resource Area Delineation (Map 256, lots 51,53,54,57,62,63).
1st: Steve Phillips
2nd: John Feener
Vote: approved 4-0 with Hugh Prichard abstaining

C. New- 8 & 12 Toronto Avenue Donald Saunders, to determine the Resource Area Delineation. (Map 135 lots 17 & 32).

Presenter: Bob Griffin Griffin Engineering
Mr. Griffin stated the site is a 350 foot wide piece of land that is undeveloped at this time, and is full of mature vegetation. He reviewed the plan with the commission.
He stated a Wetland Biologist was hired to study the site and found no hydrant soils.

Commission Comments:
Ms. Press stated a third party review is needed because this is an ANRAD and the wetland line did not come in on a NOI. We are locked into this line.
Mr. Feener stated he want to discuss water velocity and migration.
Ms. Press stated three bids were sent out and two came back. DeRosa Environmental with do the review.

Public Comment: None

Conditions:
- **Calculate potential runoff to Niles Pond area**

Motion: To approve DeRosa Environmental as third party review.
1st: Steve Phillips
2nd: Charles Anderson
Vote: approved 4-0 with Hugh Prichard abstaining.

D. Continuation- 16 Doanne Road Request for Determination submitted by Thomas & Catherine Curran, for after the fact construction of a cabana and to install a new shed. (Map 99 lot 11)

Presenters: Catherine & Thomas Curran

Commission Comments:
Ms. Press stated she visited the site and reviewed the shed placement for the least amount of impact. Planting will be done in designated areas. The site is well vegetated currently.

Public Comment: None

Conditions:

- **Planting plan submitted to agent prior to the shed being built**

Motion: Negative Determination for the project at 16 Doanne Road submitted by Thomas & Catherine Curran, for after the fact construction of a cabana and to install a new shed. (Map 99 lot 11)
1st: John Feener
2nd: Charles Anderson
Vote: Approved 4-0 with Hugh Prichard abstaining

V. <u>Block 2*</u>
A. Continuation- 28-2211 -47-61 Commercial Street Beauport Gloucester LLC to determine the Resource Area Delineation. (Map 1, lot 33).
B. 28-2211 47-61 Commercial Street

Presenter: Todd Morey, Beals Associates Inc. 2 Thirteenth St, Charlestown, MA.
Mr. Morey stated the third party review has been completed by Woods Hole Group. Comments were issued and a revised plan has been submitted.

Tara Mardon, **Woods Hole Group**
Ms Mardon stated she conducted a site visit on July 26, 2012. The drawings were reviewed and DEP was consulted to discuss coastal bank questions. Ms. Mardon explained the site to the commission. She noted two discrepancies. The first discrepancy is an area along the Birdseye building and further down the beach that was considered coastal bank. It is not coastal bank. Coastal bank is an elevated landform. The 2nd discrepancy was a small section that was delineated as boulders and rip-rap however it is an altered area. The coastal beach goes up to the edge of the infrastructure and should have been delineated as coastal beach up to the edge of the parking lot. There is no coastal dune on the site. There are 3 FEMA zones. This information is confirmed with DEP.

There are two areas in question. Whether there is Coastal Dune on the project site and whether the entire area is Barrier Beach. The regulatory description is being used to state what these resource areas are. The day of the site visit there was no hill, mound, or ridge. The beach is lower in elevation than the parking lot. The dune form can't change because of the stone wall and railroad ties. A dune is supposed to provide a buffer to the inland. There is no evidence of typical dune vegetation, just weeds and it is not a nesting habitat or registered as one. This is not a barrier beach. The regulatory definition of a Barrier beaches are natural low lying strip of land consistent with coastal beaches and coastal dunes. There are no coastal dunes on the site.
Mr. Gulla asked if the regulatory description includes historic documentation.
Ms. Mardon stated not that she was aware of. This area is not mapped on the CZM maps.
There are several barrier beaches in Gloucester and are delineated as on the maps from the state. Barrier beaches are typically narrow strips of sand with salt marsh behind it. This site is completely developed and is stable.

Commission Comments:

Ms. Press stated that there was a report submitted by the abutters from their coastal geologist

Public Comment:
Attorney Mike Faherty
Attorney Faherty stated he is representing Mortilaro Lobster Company**.** He stated that he observed the site on April 6, 2012 and it is very different than what was observed on July 26. There was a dune on site and now it is gone. There have been no tidal events to erode the dune, but there is documentation showing the city engaging in activities that could explain why the dune is no longer there.
Mr. Faherty submitted pictures showing sand migration across the parking lot and street, pictures showing evidence that this is a barrier beach, and pictures of beach formations.
Peter Rosen, 30 Mann St, Hingham Ma Coastal Geologist.
Mr. Rosen stated he has reviewed the project area. He stated this is a developed barrier beach. There are dunes but they are not functioning. There are dunes under the buildings. Mr. Rosen reviewed pictures showing a sandy beach in front, sand in the middle and sand in the back at Harbor Cove, which indicates a barrier beach.
There are historical records on Pavilion Beach from 1748. A committee was chosen to repair Pavilion Beach, so the sea might not spill over it and spoil the harbor. Mr. Rosen showed pictures of paintings of Pavilion Beach in 1850's by Fitz Henry Lane showing that is had characteristics of a barrier beach. It fits the DEP definition of a barrier beach. This barrier beach is not active. Borings have been done on the site and are consistent with the characteristic of a barrier beach. Four borings were done and show the first 30 feet is sand and sand and gravel. The area behind the building is not a bank but it is part of a barrier beach and dune. This is a barrier beach, but its function is limited and there is dune but it is highly limited.
Ms Mardon stated she did not see the dune Mr. Rosen mentioned and dunes do not typically disappear overnight. It is difficult to interpret something that is not there anymore. The paintings Mr. Rosen referenced are very different to what is there now. Ms. Mardon explained the differences from the painting to the site as it is today. The site as it exists today is 600 feet across from the beach to the harbor and that is not shown in the painting. DEP looks at existing conditions. She stated she has not seen the soil borings for analysis. There is typical barrier beach cross section that would be formed by a natural process. This area has been altered and the beach is stable. Stability is not something that is described as a barrier beach.
Mr. Phillips asked if Ms. Mardon observed photographs dating back to April of this year and if she saw any sand conditions that were depicted in the pictures that have been submitted.
Ms. Mardon stated it is very hard to tell and that she was asked to only look at existing conditions.
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Les Smith Epsilon Assoc. Maynard MA
Mr. Smith reviewed his letter submitted to the commission on July 11. He stated it is very important to look at the preamble of the definitions in defining resource areas. There are natural and altered land forms. The functions and values of the landforms

have to be looked at to determine its role in storm intervention and flood control. Mr. Rosen has not looked at landform migrating across and that is what is looked at to define a dune today. There is very little sand movement and that is not a land form migrating across in a barrier beach environment. It is incidental sand that is seen in coastal areas. They are not called coastal dunes. The beach is an active beach that has been influenced by culture. It has been altered.
Barrier beaches have all been mapped and there have been very few that have had their delineation changed. Historically if this is a barrier beach or not is not important. There have been some barrier beaches that have been so altered that they no longer function as a barrier beach. The functions have to be looked at.
Mr. Gulla asked if there is a buried barrier beach, is it still considered a barrier beach.
Mr. Smith stated that each one has to be looked at separately.
Mr. Phillips asked when this area was looked at and determined it was not a barrier beach, was that negative determination reviewed and approved
Mr. Smith stated they were all reviewed by coastal geologists for the determinations.
Mr. Phillips stated that he was not persuaded that what was existed in the 18th century is relevant, however what existed in April may be relevant.
Mr. Smith stated he was not on site in April but has looked at historical information and there is no evidence that a dune was present in the 1800's.
Mr. Phillips asked if the photographs from Mr. Rosen were evidence of dune.
Mr. Smith stated no. He stated that it is lacking elevation and it should be an area that is reached by spring tides,
Mr. Phillips confirmed with Mr. Smith that the conditions today shown in the submitted photographs leads to the conclusion that there is no dune and no barrier beach..
Mr. Smith stated yes.
Mr. Phillips stated he would like to make certain of is whether Ms. Martin has a professional opinion to a reasonable degree of certainty on the questions presented this evening. If Ms. Martin does not have degree of certainty then more information is needed.
Ms. Press stated that it has been budgeted for Ms. Martin to come back for a second meeting. The commission can use that for additional findings.
Ms. Mardon stated she sees discrepancies in the photographs and does not believe there is coastal dune. It has been budgeted for a second site visit and a second meeting. Some of the budget has been used to review Peter Rosen's report.
She stated she will contact Ms. Press for any additional information she will need to review further documentation. She also informed the commission that she was leaving on 8-16-12 for North Carolina for 10 days and would not be back until 8-27-12.
Mr. Phillips stated that it should be recorded to inquire with the applicant has any concern with the third party review needs to extend the on budget amount to **Three Thousand dollars.**
Ms. DeLorenzo stated that the amount is fine.

Motion: To continue the public hearing for 47-61 Commercial Street Beauport Gloucester LLC to determine the Resource Area Delineation. (Map 1, lot 33) to September 5.
1st; Steve Phillips
2nd: Hugh Prichard
Vote: Approved 5-0

C. Continuation- 16 Cononicus Road, Peter Alcock, requests to amend Order of Conditions #28-1902 to change the structural support on a portion of the dwelling from sonotubes to a poured foundation and to conduct blasting and other changes in the buffer to a riverfront resource area. (Map 231, lot 13).
Applicant requests continuation to September 19, 2012.

Motion: To continue the project at 16 Cononicus Road, Peter Alcock, requests to amend Order of Conditions #28-1902 to change the structural support on a portion of the dwelling from sonotubes to a poured foundation and to conduct blasting and other changes in the buffer to a riverfront resource area. (Map 231, lot 13) to September 19, 2012.
1st: John Feener
2nd Charles Anderson
Vote: Approved 4-0 with Hugh Prichard abstaining

VI. Block 3*

VII. AS TIME PERMITS: COMMISSION BUSINESS
A. Requests for Letter Permits/Modifications
28-2208 132 Wingaersheek Rd

Ms. Press stated the request came in on Monday and it is not something she would approve without more information.

Motion: To continue 28-2208 132 Wingaersheek Rd to September 5, 2012
1st: Steve Phillips
2nd: John Feener
Vote: Approved 4-0 with Hugh Prichard abstaining

VII. AGENT'S REPORT ON VIOLATIONS

B. Requests for Certificates of Compliance
C. Requests for Extension Permits

Motion: To Adjourn
1st; John Feener
2nd: Steve Phillips
Vote: Approved
***Please note that items may be taken out of order.**

If you would like additional information regarding the review status of a particular item, please contact the Community Development Conservation Department via e-mail at mdemick@gloucester-ma.gov or via phone at 978-281-9781.

Additional information can also be obtained on the Conservation Web Page at www.gloucester-ma.gov Click Community Development for a link to Conservation.

Commission Members: If you are unable to attend the meeting, please contact the Community Development office at 978-281-9781 or send Lisa or Marie an e-mail