

**CITY OF GLOUCESTER
CONSERVATION COMMISSION MINUTES
WEDNESDAY September 5, 2012 - 7:00 PM**

**CITY HALL, KYROUZ AUDITORIUM
ROBERT GULLA, CHAIRMAN**

Members Present:

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

Items may be heard out of listed order.

Mr. Gulla opened the meeting at 7:06pm

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

Stormwater review

The commission postponed the review until September 19th.

RFD 1333 16 Doanne Road
28-2108 11 Lincoln St duplicate order

II. PUBLIC COMMENT - None

III MINUTES REVIEW- Postponed until the September 19th meeting

IV Block 1*

A. Continuation- 28-2220-138 Wheeler Street, Notice of Intent submitted by Damian Dell' Anno, to remove and replace dwelling in a riverfront resource area. (Map 100, lot 24).

Robert Gulla recused himself

Motion: To continue 28-2220-138 Wheeler Street, Notice of Intent submitted by Damian Dell' Anno, to remove and replace dwelling in a riverfront resource area (Map 100, lot 24) to September 19, 2012.

1st: Steve Phillips

2nd: Charles Anderson

Vote: Approved -0

Robert Gulla rejoined the commission

B. New- 30 Sleepy Hollow Road, George Surabian, requests to amend Order of Conditions #28-2072 to change the location of the screen porch and stairway and to enlarge the structure under the existing eaves in a coastal dune resource area. (Map 257, lot 36).

Presenter: John Dick Hancock Associates

Mr. Dick stated the requested changes all fall within the original footprint of the structure. The porch on the right is being moved back and the second floor overhang will project out above the first floor. It is under the original roof. There is no more

impervious than originally. There is approval from the Zoning Board of Appeals. The stairs will be constructed as previously conditioned. There is also a sign off from National Heritage.

Public Comment: None

Motion: To approve the Amendment for the Order of Conditions at, #28-2072- 30 Sleepy Hollow Road to change the location of the screen porch and stairway and to enlarge the structure under the existing eaves in a coastal dune resource area. (Map 257, lot 36).

1st: Ann Jo Jackson

2nd: Charles Anderson

Vote: Approved 7-0

C. New- Western Ave Request for Determination submitted by MA DOT Highway Division, to conduct maintenance work to the existing culvert and drainage system.

Presenter: Andrea Norton

Ms. Norton stated the Highway Division has had a number of complaints about the road icing up and investigated the area. There is a drop inlet that the highway department lost knowledge of. The outlet is filled with silt and debris. The area needs to be cleaned out for it to function properly.

Public Comment: None

Motion: Negative determination for Western Ave submitted by MA DOT Highway Division, to conduct maintenance work to the existing culvert and drainage system.

1st: Steve Phillips

2nd: Barry Gradwohl

Vote: Approved 7-0

D. 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).

Motion: To continue 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) to September 19, 2012.

1st: Ann Jo Jackson

2nd: Barry Gradwohl

Vote: Approved 7-0

Barry Gradwohl recused himself.

V. Block 2*

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: Tara Marden, Woods Hole Group

Ms. Marden stated she was asked to further investigate whether Pavilion Beach has dune and if it is a Barrier Beach. She stated that she corresponded with DEP and maintains that Pavilion Beach is not a Barrier Beach or that there is dune present. After researching historic photographs and consulting old maps along with several conversations with DEP, it is confirmed that the site is not a barrier beach. She confirmed it is a low lying land form, but that it is not narrow, there is no coastal dune and is not parallel to the coastline. Those are indications of a barrier beach.

Public Comment:

Attorney Michael Faherty, representing Mortilarro Lobster

Attorney Faherty stated that there are inaccuracies in Ms. Marden's report stating that Commercial Street on the Northerly side was all water and fill did not take place until 1873 where the parking lot is now. Solid fill was in place in the '30's and 40's

Peter Rosen, Geologist

Mr. Rosen stated that Pavilion Beach does have the characteristics of a Barrier Beach. He provided the commission with several examples of Barrier Beaches that had similar characteristics as Pavilion Beach, citing that many are developed with dune underneath the developed areas. They are not active dunes. He stated that dunes can be man made and considered active dunes. He also stated that there are many tumbolo's that are barrier beaches. Mr. Rosen displayed pictures of Commercial Street showing the transport of sand along the street and building. He also provided the soil boring tests that were done. The results showed sand extending 30 feet down. He stated that it is consistent with Barrier Beach material.

Nathaniel Mulcahey, 33 Middle Street

Mr. Mulcahey stated that the Woods Hole report became available on September 4th and there hasn't been sufficient time for review of the document and asked that the commission consider that before making any decisions this evening. Mr. Mulcahey also was curious about the disappearance of the dune that was on Pavilion Beach in April. He stated the city came through with a grater and removed the sand. He also stated that vegetation has been removed from the site without the permission of the commission.

Mr. Gulla thanked Mr. Mulcahey and stated that if the commission deems the information is important, it will be pursued.

Ann Malloy 88 Commercial Street

Ms. Mallory stated she submitted information to the commission via email showing dune, grass, etc. There has been eel grass restoration on Pavilion Beach. Ms. Malloy read a letter from Project Partners.

Commission Comments

Mr. Feener asked if artificial means were used to create a dune, would it be for storm damage prevention

Ms. Marden stated no it would not because it is lower than the parking lot. It is not providing any flood control. It would typically be higher.

Mr. Gulla asked if DEP recognizes the designation of developed barrier beach.

Ms. Marden stated she did not know. She stated that most barrier beaches have salt marsh beneath them. DEP does not protect areas that don't exist anymore.

Motion: To issue an order of resource delineation confirming the resource area boundaries set forth in the amended ANRAD plan filed by Beauport LLC.

1st: Steve Phillips

2nd: Charles Anderson

Vote: 5-0 with Ann Jo Jackson abstained

Barry Gradwohl rejoined commission

Hugh Prichard left the meeting

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

Motion: To continue 28-2223- 222R Atlantic Street, Lelia Noveletsky, to determine the Resource Area Delineation (Map 256, lots 51,53,54,57,62,63) to September 19, 2012.

1st: Barry Gradwohl

2nd: Ann Jo Jackson

Vote: Approved 6-0

D. Continuation- 28-2224- 8 & 12 Toronto Avenue Donald Saunders, to determine the Resource Area Delineation. (Map 135 lots 17 & 32).

Motion: To continue 2224- 8 & 12 Toronto Avenue Donald Saunders, to determine the Resource Area Delineation. (Map 135 lots 17 & 32) to September 19, 2012.

1st: Barry Gradwohl

2nd: Ann Jo Jackson

Vote: Approved 6-0

VI. Block 3*

- A. New- Rte 128 at Grant Circle, Notice of Intent submitted by MA DOT Highway Division, Dist. 4, to conduct repair and maintenance to drainage structures in the buffer to a coastal resource area. (Map 84).**

Presenter: Sean Hale, Epsilon Associates

Mr. Hale stated that this is routine maintenance work. There is a pipe that has developed a hole and has created a sink hole that will be repaired. There are pipes and headwalls that are clogged that will be cleaned out. Erosion controls will be in place.

Commission Comments:

Mr. Feener asked if there be a management plan in place after the work is done.

Mr. Hale stated there is nothing proposed for future work or activity. The DEP number is 028-2225

Public Comment:

Nathaniel Mulcahy, 33 Middle Street

Mr. Mulcahey asked if native invasive species are protected by the Commission.

Mr. Gulla stated that they are and if they are to be removed, permission must be granted by the Commission first.

Conditions:

- No work beyond the described scope in the NOI.

Motion: To approve Rte 128 at Grant Circle, Notice of Intent submitted by MA DOT Highway Division, Dist. 4, to conduct repair and maintenance to drainage structures in the buffer to a coastal resource area. (Map 84).

1st: John Feener

2nd: Ann Jo Jackson

Vote: Approved 6-0

This is for one time and not used for perpetuity

A1. New- 159 East Main Street Notice of Intent submitted by Arthur Santoro, Americold, to conduct repair and/ or replacement of existing piles in a coastal resource area. (Map 63, lot 26).

Presenter: Carlos Pena, Marion Ma.

Mr. Pena stated the pilings are severely corroded and must be repaired. There is erosion that is occurring on the footings. They have been encased in concrete. The concrete will be taken off to see the amount of repair that will need to be done. They are not strong enough to support the structures above them. An emergency order is needed to isolate one piling to see what method will be best for repair.

Site walk to be scheduled.

Public Comment: None

Motion: To continue 159 East Main Street Notice of Intent submitted by Arthur Santoro, Americold, to conduct repair and/ or replacement of existing piles in a coastal resource area (Map 63, lot 26) to September 19, 2012.

1st: John Feener

2nd: Ann Jo Jackson

Vote: Approved 6-0

Motion: To approve the emergency order for 159 East Main Street

1st: Steve Phillips

2nd: Charles Anderson

Vote: Approved 6-0

A2. New- 1 Rowe Square Notice of Intent submitted by Arthur Santoro, Americold, to conduct repair and maintenance to the revetment, concrete beam sea wall, bulkhead and to replace piles and caps in a coastal resource area. (Map 11, lot 5).

Presenter: Carlos Pena

Mr. Pena stated that the site is unstable. The piles have to be repaired and/or replaced. The work will be done from the water. There will be a total of 10 pile caps.

Public Comment: None

Motion: To continue 1 Rowe Square Notice of Intent submitted by Arthur Santoro,

Americold, to conduct repair and maintenance to the revetment, concrete beam sea wall, bulkhead and to replace piles and caps in a coastal resource area (Map 11, lot 5) to September 19, 2012.

1st: Barry Gradwohl

2nd: Charles Anderson

Vote: Approved 6-0

A3. Amend- 37 Wingersheek Road Paula Zavrl, requests to amend order #28-2162, to install a block driveway, install a fence and replace a patio in a coastal resource area. (Map 260 lot 09).

Presenter: John Dick Hancock Associates

Mr. Dick stated that the applicant would like to move the fence onto the property line and change it to an open wooden fence. The fence was already allowed in the original order. They want to change the type and where it will be located.

The second request is the applicant would like to take up the existing LINPAC driveway and pave it with concrete blocks with sand joints. Mitigation for the driveway is a seed mix that would be planted. The driveway is 1800 square feet. The patio will be installed underneath an impervious deck. They may use bluestone or the same concrete block as the driveway. The area is now covered with pea-stone.

Commission Comments:

Ms. Press stated that mitigation for the patio could be done behind the picket fence area. Planting of dune grass is acceptable.

Ms. Jackson stated sand joints and blocks are to be used for the patio. No cement.

Mr. Gulla agreed that the same block used for the driveway to be used for the patio.

Public Comment: None

Conditions:

- **Fence be 50% open**
- **LINPAC driveway to be removed.**
- **Block system for driveway and patio with 1" sand joints to be used.**
- **Drip edge to building.**
- **Revised detailed plan to be submitted to agent prior to work being started**

Motion: To approve the amendment for 37 Wingersheek Road order #28-2162, to install a block driveway, install a fence and replace a patio in a coastal resource area. (Map 260 lot 09).

1st: Barry Gradwohl

2nd: Ann Jo Jackson

Vote: Approved 6-0

A 4. New- 9 Horton Street Notice of Intent submitted by Kenneth & Nancy Bishop, to demolish, re-build and expand dwelling with decks in the buffer to a coastal resource area. (Map 128, lot 25).

Presenter: Bill Manuell, Wetlands and Land Management

Mr. Manuell explained the project to the commission. The applicants want to tear down the house, replace the foundation and rebuild it. It is in buffer to coastal bank. 5 trees will be taken down and 10 will be replanted. There will be a reduction in the pavement and a drip line trench to handle roof runoff. Mitigation will be planted near the existing brush area.

Commission Comments:

Ms. Press stated that mitigation should be closer to resource. How high can the plants be in the view easement?

Mr. Manuell stated there is a view easement in the open space.

Nancy Bishop 9 Horton St

Ms. Bishop stated the view easement is 3 feet high.

Mr. Gulla stated that there is an opportunity to have some plantings that are lower than 3 feet and won't interfere with the view easement.

Site visit to be scheduled.

Public Comment: None

Motion: To continue 9 Horton Street Notice of Intent submitted by Kenneth & Nancy Bishop, to demolish, re-build and expand dwelling with decks in the buffer to a coastal resource area (Map 128, lot 25) to September 19, 2012.

1st: Ann Jo Jackson

2nd: Charles Anderson

Vote: Approved 6-0

B. Continuation- 28-2101-31 Stanwood Ave. Notices of Intent submitted by Gary Litchfield, Litchfield Company, to construct 3 duplex dwellings, driveways, utilities, grading and landscaping in a riverfront resource area. (Map 230 lot 51).

C. 28-2100 33 Stanwood Ave-

D. 28-2099 35 Stanwood Ave

Applicant requests continuation to December 19, 2012.

Motion: To continue 28-2101-31 Stanwood Ave., 28-2100 33 Stanwood Ave, 28-2099 35 Stanwood Ave Notices of Intent submitted by Gary Litchfield, Litchfield Company, to construct 3 duplex dwellings, driveways, utilities, grading and landscaping in a riverfront resource area. (Map 230 lot 51 to December 19, 2012.

1st: Ann Jo Jackson

2nd: Barry Gradwohl

Vote: Approved 6-0

VII. AS TIME PERMITS: COMMISSION BUSINESS

- A. Requests for Letter Permits/Modifications
28-2208 132 Wingersheek Rd

Bill Manuell, Wetlands and Land Management

Mr. Manuel stated the applicants would like to do a side entry instead of a front entry. They want to widen the peastone driveway and increase it by 84 square feet.

Motion: To approve the minor modification for 28-2208 132 Wingersheek Rd
1st: Ann Jo Jackson
2nd: Barry Gradwohl
Vote: Approved 6-0

VII. AGENT'S REPORT ON VIOLATIONS

65 Essex Road

Mr. Gulla stated to give it to DEP for resolution.

127 Concord Ave

Ms. Press stated the work has gone beyond what was allowed. They paved a larger driveway and also had boulders brought in and seem to be bringing up the level of the back yard. There is no erosion control in place.

B. Requests for Certificates of Compliance
1 7 Essex Ave
1A Wingersheek Road

Motion: To approve 1 7 Essex Ave & 1A Wingersheek Road Certificates of Compliance

1st: Steve Phillips
2nd: Ann Jo Jackson
Vote: Approved 6-0

Motion: To adjourn

1st: Ann Jo Jackson
2nd: John Feener
Vote: Approved 6-0

C. Requests for Extension Permits

***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 mдемick@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