

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

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

Members Present: Robert Gulla Chair, Ann Jo Jackson, Co Chair, Barry Gradwohl, Steve Phillips, Robert Sherman, Charles Anderson, John Feener-**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.

28-2235 4 Eastern Point Road

Ms. Press informed the commission that the revised plans showing the equations for the impervious and plantings have been submitted and is satisfactory.

Motion: Approval of 4 Eastern Point Road

1st: Ann Jo Jackson

2nd: Barry Gradwohl

Vote: 5-0 with Robert Sherman abstaining

28-2236 1 Wingaersheek Road

Mr. Manuell stated that DEP had comments. The trees are to be marked and a preconstruction meeting is to be held. There is a new deck that has been designed for handicap access. There are two stairway off the deck. The building footprint is the same.

It will not increase any additional traffic to the dune. This iteration of the project is 1000 square feet less than previously approved.

Mr. Gulla voiced concern for the stairs into the dune area. A path will eventually be cut out and damage will be done. It should be directed into a spot that is less vegetated. Middle ground would be if it can be directed into a spot that is less vegetated.

Bill Tracer: Owner of Property

Mr. Tracer addressed the board stating he will locate the stairs wherever the commission would like.

The commission will schedule a site walk for the location of the stairs.

Motion: To continue the project at 1 Wingaersheek Road to December 19, 2012

1st: Ann Jo Jackson

2nd: Barry Gradwohl

Vote: Approved 5-0 with Robert Sherman abstaining.

II. PUBLIC COMMENT - None

III MINUTES REVIEW

Motion: Approval of the November 7, 2012 minutes

1st: Steve Phillips

2nd: Barry Gradwohl

Vote: 4-0 with Ann Jo Jackson & Robert Sherman abstaining

IV Block 1*

A. New- 28-2238- 107 Atlantic Road, Notice of Intent submitted by Bass Rocks Ocean Inn Inc., , to remove and replace pool and patio and to conduct repairs and expansion to balconies and patios in buffer to coastal resource areas (Map 72, lot 1).

Presenter: Bob Griffin, Griffin Engineering

Mr. Griffin stated this is for a new pool to bring it up to current standard and handicap access. The pool deck will be Techo Block Blue pavers. The pavers will be set apart and the grout is permeable. The storm water management plan shows a reduction in runoff. There will also be a trenched drywell for ground water infiltration.

Commission Comments:

The commission asked for cut sheet on the pavers for the file.

Mr. Gulla stated concern about the removal of vegetation.

Mr. Griffin stated the vegetation will be moved to the south so it is out of the way of construction.

Public Comment: None

Motion: Approval of the project at 107 Atlantic Road submitted by Bass Rocks Ocean Inn Inc., to remove and replace pool and patio. (Map 72, lot 1).

1st: Ann Jo Jackson

2nd: Charles Anderson

Vote: 6-0

B New-28-2240- 51 Rocky Neck Avenue Notice of Intent submitted by Dennis Dyer, to conduct building renovations and utility upgrades to a structure in a coastal resource area (Map 128, lot 44).

Presenter: Charles Bowlin , 30 Haskell St

Mr. Bowlin stated most of the work is inside to upgrade the facility. There will be a new deck surface that will be recovered. The deck is structurally sound. New doors and windows will be installed and the building will be painted. A boom will be in place as well as a boat ready to retrieve any debris that may fall into the water. Tarps will be installed under the deck. Temporary catwalks along the sides covered with tarp to be picked up every night. On the street side there is snow fence and hay bale. A street cut is needed for a new sprinkler system. It is one day of work.

Commission Comments:

Ms. Press stated there are no concerns.

Public Comment: None

Conditions:

- **Inspection of catwalk configuration prior to work starting**

Motion: Approval of the project at 51 Rocky Neck Avenue submitted by Dennis Dyer, to conduct building renovations and utility upgrades to a structure in a coastal resource area (Map 128, lot 44).

1st: Barry Gradwohl

2nd: Charles Anderson

Vote: Approved 6-0

C. New-28-2241- 486 Washington Street Notice of Intent submitted by Richard Mazzucotelli, to construct a 2 car garage in riverfront resource area. (Map 110, lot 11).

Presenter: Richard Mazzucotelli, 486 Washington St.

Mr. Mazzucotelli stated he is construction of a 22x22 garage. A stairway is incorporated inside the garage.

Commission Comments:

Ms. Press suggested mitigation of removing part of the pavement at the bottom of the driveway to help with sheet flow.

Public Comment: None

Condition:

- **Revised plans to be submitted to agent before Order of Conditions are issued.**

Motion: Approval of the project at 486 Washington Street submitted by Richard Mazzucotelli, to construct a 2 car garage in riverfront resource area. (Map 110, lot 11).

1st: Barry Gradwohl

2nd: Ann Jo Jackson

Vote: Approved 6-0

Rob Gulla recused himself

D. 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). **Applicant requests continuation to December 19, 2012.**

Motion: To continue the project at 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).

1st: Steve Phillips

2nd: Barry Gradwohl

Vote: Approved 4-0 with Robert Sherman abstaining

Rob Gulla rejoined the commission

V. Block 2*

A. Continuation-28-2237 -16 Cononicus Road Notice of Intent submitted by Peter Alcock, to demolish and construct a dwelling on a new foundation with associated utilities, in riverfront resource areas (Map 152, lot 27).

Presenter: Kirk Young, Wetlands Preservation Inc..

Mr. Young stated the requested items have been submitted to the commission. In reviewing the plans it was noticed that stairways were missing on the plan. The additional square footage is 750 square feet. The mitigation for the project is 2600 square feet.

Commission Comments:

Ms. Press stated the blasting report has been received. The commission and Mr. Young reviewed the report.

Mr. Gulla asked Ms. Press if when the project is done, will the site have been improved?

Ms. Press stated that the house is not expanding that much and the plantings are at 3-1 mitigation. A two year monitoring plan will be required for the plantings

Mr. Gulla stated the relationships of the plantings on the planting plan looks unnatural. It may be more decorative and will not survive. Mr. Gulla asked Ms. Press to look at the areas for suggested plantings to see what makes sense.

Public Comment: None

Conditions:

- **2 year planting monitoring plan and where plantings are planted**
- **Blasting conditions**
- **Finding that it is a redevelopment**
- **Finding that it is a improvement**

Motion: Approval of the project at 16 Cononicus Road submitted by Peter Alcock, to demolish and construct a dwelling on a new foundation with associated utilities, in riverfront resource areas (Map 152, lot 27).

1st: Charles Anderson

2nd: Robert Gulla

Vote: Approved 4-0 with Ann Jo Jackson and Steve Phillips abstaining.

B. Continuation- 28-2233- 27 Wingersheek Road, Notice of Intent submitted by George Adam, to construct a garage and ground level and elevated walkways in coastal resource areas (Map 257, lot 1).

Presenter: Bill Manuell, Wetlands and Land Management, Danvers, MA.

Mr. Manuell stated a site walk was held with the Commission. At the last meeting a discussion was held regarding whether a second construction is allowed on dune. Mr. Manuell submitted written documentation of conversations with DEP regarding the issue. There is no specific prohibition for a second structure on a coastal dune. This structure will be elevated on piles, so it meets performance standards of coastal dune. The regulations do say that the Commission may allow accessory structures. The area is open and is adjacent to the existing driveway and is accessed by a ramp. It is necessary for applicant because they are in need of storage space. Suggested mitigation is to remove phragmites that are on the site. There is an elevated walkway and the applicant will work with neighbors to restore the path with beach grass. Elevated walkway: would abandon the path to the beach and work with neighbor to

restore it with beach grass.

Commission Comments:

Mr. Phillips stated that he agrees with Mr. Manuell that there is no prohibition of a second building. However, Mr. Phillips stated he does not agree that this is an accessory building within the definitions. It is not an accessory building. It needs to satisfy the performance standards for dune. There is some level of coverage that is harmful.

Mr. Gulla agreed with Mr. Phillips. He stated there is an intensity of use issue on the site. There will be shadowing that could affect the dune. There is vegetation and it is in a depression. It is more than an accessory structure. The walkway is an improvement. He stated he does not think it meets the requirements.

Ms. Press stated she agreed with Mr. Gulla. She did not agree with Mr. Phillips stating that the caveat about accessory structures by DEP is to prevent building many buildings, large sheds, cabana's etc. She stated she does not think it meets the performance standards of dunes. There is already a concrete platform going up to the garage so the sand can't move and now there is going to be a second concrete platform which is not necessary because there is already a garage.

Mr. Phillips stated if it's an accessory building it gets a pass and doesn't have to independently demonstrate compliance with the performance standards.

Mr. Manuell stated the structure is elevated 2 feet off the dune. It is in compliance with zoning. It is 800 square feet on a 50,000 square foot lot. It is designed like the house next door.

George Adam 27 Wingersheek Road

Mr. Adam stated that what he is asking for is very reasonable and feels discriminated against. He stated he has a large family and needs the space. The existing garage will be converted to bedrooms and that is the reason for the new garage. He stated that he hears that what he wants is not necessary and that the commission is making its decision subjectively not objectively. He believes it will not have much impact on the vegetation. He stated he does not understand the Commission saying that it is not needed.

Ms. Press stated that the Commission is not saying it is not needed. The Commission is saying it does not meet performance standards and criteria. The request is asking for a second large piece of concrete on the dune

Mr. Gulla stated he does not believe it meets the criteria set forth in the Wetlands Protection Act of the coastal dune. The concern is that the dune will be impacted. The environment will be impacted by approving this. It is not accessory. It is too big, not in a good spot and will impact the dune.

Mr. Adams stated that he agrees that the structure will impact the dune then asked why other projects have received approval and not his. He reiterated that the Commission is making a decision subjectively not objectively. He stated he feels the Commission is not approving the project because it's felt it is not needed.

Mr. Gulla stated each site is looked at individually.

Mr. Adams stated he is very protective of the dunes. He stated he takes offense that this Commission is saying he is there to damage the dune.

Mr. Gulla stated if a structure is put over vegetation it will die.

Mr. Manuell asked for a continuance and any suggestion for a direction to take the project.

Ms. Press suggested building the second structure on the existing driveway in front of

the existing garage.

Public Comment: None

Motion: To continue the project at 27 Wingaersheek Road, Notice of Intent submitted by George Adam, to construct a garage and ground level and elevated walkways in coastal resource areas (Map 257, lot 1) to Decembers 19, 2012.

1st: Barry Gradwohl

2nd: Steve Phillips

Vote: Approved 4-0 with Ann Jo Jackson and Robert Sherman abstaining.

C. New- 91, 103, 109 Coles Island Rd Notice of Intent submitted by HA Patrican, Farm Creek Holdings,., to construct a common driveway and install utilities , in buffer to coastal resource areas. (Map 253,258, lots 23, 24 & 13).

Presenter: DeRosa Environmental, Mike DeRosa, Ipswich Ma.

Mr. DeRosa explained the site to the Commission. The project is to improve the existing roadway. It will be 12 feet wide gravel road with a 20 foot easement for utility poles set 150 feet apart. It is all within the same footprint. There are 3 pullover sites. The dimensions of the sites are on the approved Planning Board plans.

Public Comment:

Irv Falk, 22 Penny Lane

Mr. Falk stated he is In favor of the project. He hopes the crew takes care of it and the work is done properly.

Motion: To continue the project at 109 Coles Island Rd Notice of Intent submitted by HA Patrican, Farm Creek Holdings, to construct a common driveway and install utilities , in buffer to coastal resource areas. (Map 253,258, lots 23, 24 & 13) to December 19, 2012.

1st: Ann Jo Jackson

2nd: Barry Gradwohl

Vote: Approved 6-0

D. New- 937 Washington Street Notice of Intent submitted by John Austin, to construct a covered deck and walkway, install seasonal ramp and float in a coastal resource area. (Map 157, lot 26).

Presenter: DeRosa Environmental, Mike DeRosa, Ipswich Ma.

Mr. DeRosa stated that the walkway and float is not part of this application and will be filed separately. The project is for a deck on the back of the house. The deck will be sealed to be down below dry. It is over asphalt.

Public Comment:

Suzanne Gosling

Ms. Gosling would like to be notified regarding the walkway and float.

Conditions:

- **Receipt of updated plans**

Motion: Approval of the project at 937 Washington Street submitted by John Austin, to construct a sealed deck. (Map 157, lot 26).

1st: Ann Jackson

2nd: Barry Gradwohl

Vote: Approved 6-0

VI. Block 3*

C. Continuation- 28-2232- 47 Commercial Street Notice of Intent submitted by Sheree DeLorenzo, Beauport Gloucester LLC, to construct a hotel with associated utilities and parking in a coastal resource area. (Map 1 lot 33).

D. Continuation- 28-2232- 47 Commercial Street

Applicant requests continuation to December 19, 2012.

Motion: To continue the project at 47 Commercial Street Notice of Intent submitted by Sheree DeLorenzo, Beauport Gloucester LLC, to construct a hotel with associated utilities and parking in a coastal resource area. (Map 1 lot 33) 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

VII. AGENT'S REPORT ON VIOLATIONS

284 Atlantic Rd

Dale Halcheck

Mr. Halcheck stated there is a right of way that is in disrepair. The asphalt is in disrepair and prevents vegetation from growing. Some of the neighbors thought it would nice to plant shrubs along the property to prevent noisy beachgoers going down the path.

Mr. Gulla asked why there was not a filing.

Mr. Halcheck stated some of the area is more than 100 feet away from wetland.

Ms. Press stated that a lot of the disturbed area is within the 100 feet. There are overlapping resource areas.

Mr. Halcheck stated the asphalt was being removed and thought it was 100 feet away.

Mr. Gulla stated for Mr. Halcheck to have a professional to get a plan in place and determine where the resources are.

Ms. Press stated that two deadlines for filings have already been given and an Enforcement Order is needed.

Public comment:

Leanne Robinson 275 Atlantic Rd.

Ms. Robinson stated that this work was done without my permission or knowledge.

Motion: Enforcement order for 284 Atlantic Rd with dates for plan to be submitted 7-10 days and to clean up to be done by 12-12-12.

1st: Ann Jo Jackson

2nd: Barry Gradwohl
Vote: Approved 6-0

16 Brierwood St

Ms. Press stated fill was dumped into a buffer zone.

Brett Ramsey 16 Brierwood

Mr. Ramsey stated he is working with Ms. Press to file properly.

- B.** Requests for Certificates of Compliance
28-1724 630 Western Ave duplicate
28-2145 18 Keystone
28-2159 61 Shore Road

Motion: Approval of the Certificates of Compliance for 630 Western Ave, 18 Keystone, 61 Shore Road.

1st: Ann Jo Jackson

2nd: Charles Anderson

Vote: Approved 5-0 with Robert Sherman abstaining.

4 Wyoma

Ms. Press stated she is issuing a partial COC for 4 Wyoma to release 2 Wyoma. The lot lines were readjusted and 2 Wyoma is still listed as part of 4 Wyoma. Hopefully, this will release 2 Wyoma from the lien that is really not theirs.

Motion: Approval for a Partial COC for 4 Wyoma

1st: Ann Jo Jackson

2nd: Charles Anderson

Vote: 5-0 with Robert Sherman abstaining.

- 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 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