



CITY OF GLOUCESTER

CONSERVATION COMMISSION

MINUTES

WEDNESDAY April 17, 2013 - 7:00 PM
City Hall, Kyrouz Auditorium
Robert Gulla Chair

Members Present: Robert Gulla, Chair, Ann Jo Jackson, Co- Chair, Charles Anderson, Robert Sherman, John Feener 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.

28-2262- Niles Pond Rd.

Robert Will, 24 ST. Louis Ave

Mr. Gulla stated he would like the applicant to come to the commission after 2 years to update the board on the progress of the project. At that time they could ask for an extension for the work to continue for a 3rd year.

Ms. Press concurred with Mr. Gulla stating that if a revision is needed it could be done at that time.

Motion: To approve the conditions for the project at Niles Pond Road with the applicant to come back after 2 years to update the commission of the progress of the project.

1st: John Feener

2nd: Charles Anderson

Vote: Approved 4-0 with Ms. Jackson abstaining.

Wingaersheek/Coffins Beach Access discussion

Ms. Press addressed the commission and public informing them that the damage to the dunes from the winter storms has cut off access to the beach. Katherine Glenn from CZM is here to answer questions and to advise the commission and public the best ways to access the beach without further damaging the dunes.

Katherine Glenn, CZM

Ms. Glenn stated that beach grass helps support the dunes; elevated walkways protect the dunes and beach. Roll out slats that lay on the dune is better than walking on the dunes directly. Adding removable stairs without risers to get down to the beach is a good solution to the problem until the dune is restored. The sand is returning and will continue to return over the summer months. Dunes are a good defense from storm waves. If a hole is cut in the dune it weakens it and as the waves roll they will continue to widen the cut and homes become vulnerable to flooding.

Maury Water. WIA Association

Mr. Water stated there have been issues with people who want to have stairs and others who are against having stairs. Another issue are the fees associated with applying for the work to be done. They are high and will deter people from doing the work. The WIA wants to encourage people to do the right thing and not walk over the dune. There are different associations at the beach.

Commission members mentioned several different ways to apply for work to be done;

- groups have joined forces and have applied under one notice, .
- work to be done under a dune emergency
- if someone already has a structure it could be done under an RDA application which is less expensive.

Mike McMann:

Mr. McMann stated that an approved design for an elevated platform for everyone is needed. Then any homeowner can do one. A boiler plate way to have a walkway and stair would reduce costs.

Pamela Hagar, 8 Pebble Path

Ms. Hagar stated neighbors have created a spot by digging in the dune. There are 6 homes that share an access way. Most want to put up a staircase except for one neighbor who said they would walk around it and continue to walk on the dune. She stated she would like to act right away and put a staircase in.

Mr. Gulla stated that if there is an emergency situation, you can apply for an emergency certificate.

Elizabeth Bale 53 Atlantic Ave

Ms. Bale stated that over the last several years a board walk has disappeared, and the area has filled in with sand which makes it difficult to get to the beach. She asked if the sand can be moved.

Ms. Press stated that there is no way to cut into the dune to give access to the beach. Another public access would have to be used.

Bill Witham 10 Bayberry Lane

Mr. Witham stated that there are different dynamics happening on different parts of the beach. Certain parts of the beach are not barrier beach and the sand is accumulating, with the other half facing erosion problems. Each property should be treated individually.

Mr. Gulla stated the solution is the same for both.

Dr. Robert Olsen 6 Wyoma Road

Mr. Olsen reported that storms have been able to reach past the dunes across the street. A resort was washed away over 100 years ago.

Ms. Glenn stated that sand fencing is used to catch sand as it blows down the beach.

Ms. Press stated that if anyone wanted to use sand fencing that she should be contacted and there would be no fee attached.

II. PUBLIC COMMENT

Denise Foley 57 Western Ave

Ms. Foley informed the commission that she has witness the DPW dumping dirt and rocks into the water on the boulevard for a couple of weeks.

III MINUTES REVIEW

The commission will review the minutes at the May 1, 2013 meeting.

IV Block 1*

A. New- 2 Nautilus Road, 99 Thatcher Rd, - Request for Determination submitted by City of Gloucester, DPW, to repair and replace the footbridge and concrete pilings in a coastal resource area. Map 67 lot 1, map 184/3.

Presenter: Mike Hale, DPW Director

Mr. Hale stated a portion of the bridge needs to be rebuilt because of damage incurred during the last snowstorm. It will include the replacement of several piers and the reconstruction of the ramp. The deck and rail system will be built off site and then installed. There will be no machinery on the beach.

Public Comment:

Arley Bett, 12 Beach Road

Mr. Bett stated he had no issue with the work that needs to be done, but wanted the city to think about a long range design solution in case the bridge is damaged again.

Commission Comments:

Mr. Gulla asked Mr. Hale if there is an opportunity for a better design for the bridge.

Mr. Hale stated the timing is not right for a redesign now, but it will be taken into consideration. A redesign could be rolled in the next round of Beach Management plans.

Ms. Press stated the commission could issue 2 repairs for the bridge, but after that it would have to be redesigned.

Conditions:

- **Stake snow fence around the work area.**
- **Magnetic sweep to be done at the end of each day**

Motion: Negative determination for the project at 99 Thatcher Rd,- submitted by City of Gloucester, DPW, to repair and replace the footbridge and concrete pilings in a coastal resource area. Map 67 lot 1, map 184/3..

1st: Ann Jo Jackson

2nd: Robert Sherman

Vote: Approved 5-0

In response to public comment:

Mr. Hale stated that during the recent storms, sand and rocks have washed onto the walkway. It was picked stuck first so there was no litter in the rubble. Only the stones and sand were pushed back into the water. He stated he would speak with the supervisor about working too close to people.

B. New- 667 Essex Ave- Request for Determination submitted by Joshua Gould, to remove 8 trees and install a fence in the buffer to an inland resource area. Map 238 lot 19.

Presenter: Josh Gould 667 Essex Ave

Mr. Gould stated he would like to remove 8 pine trees because they are too close to the house.

Commission Comments:

Ms. Press stated the trees look dangerous and all the trees are in buffer. Asphalt is back in the buffer and could be removed as part of mitigation.

Mr. Feener stated that pine trees are a bald eagle habitat. He asked if the trees have been declared hazardous by an arborist.

Ms. Press stated people are allowed under the hazardous tree form to take down hazardous trees. People are also allowed to file an RDA, the commission determines the mitigation and if will impact a resource area. It is not necessary to prove the trees are hazardous.

Mr. Gulla stated that a site visit is needed

Public Comment: None

Motion: To continue the project at 667 Essex Ave- Request for Determination submitted by Joshua Gould, to remove 8 trees and install a fence in the buffer to an inland resource area, Map 238 lot 19 to May 1, 2013.

1st: Ann Jo Jackson

2nd: John Feener

Vote: Approved 5-0

C. 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).

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) to May 1.

1st: Charles Anderson

2nd: Robert Sherman

Vote: Approved 4-0. Mr. Gulla recused himself from the vote

D. Continuation– 28-2266- 239 Eastern Ave Notice of Intent submitted by Mark Duval, McMark RT, to construct a stream crossing and roadway for commercial use, a culvert, retaining walls, utilities and drainage structures in an inland resource area. (Map 161, lots 9, 11).

Presenter: John Judd Gateway Consultants

Commission Comments:

Ms. Press stated the project has been sent for bids for peer review. It was sent to Linden Associates, Waterman Design, and Meridian Associates. Lindens Associates

and Waterman design were close in price. Waterman Design has not been used by this commission and it is important to use a variety of consultants.

The board concurred that a variety of consultants should be used. The board discussed using Waterman Design. However, upon closer review of the Waterman proposal, it was noted that meetings were not included in the bid and that Linden Associates was the lowest bid.

Mr. Judd stated he had not seen any of the proposals and would like them sent to him so he can forward them to his client.

Public Comment: None

Motion: To continue the project at 239 Eastern Ave Notice of Intent submitted by Mark Duval, McMark RT, to construct a stream crossing and roadway for commercial use, a culvert, retaining walls, utilities and drainage structures in an inland resource area. (Map 161, lots 9, 11) to May 15, 2013.

1st: Ann Jo Jackson

2nd: Robert Sherman

Vote: Approved 5-0all

V. Block 2*

A. New- 28-2269-The Fort Improvements Project -Commercial St., Fort Square, Pascucci and Beach Courts Notice of Intent submitted by City of Gloucester, DPW., to conduct infrastructure and roadway improvements in the buffer to a coastal resource area. (Maps 1, 2, & 7).

Presenter: Doug Gove & Lisa Pietro, AECOM, 701 Edgewater Drive, Wakefield, MA.

Mr. Gove stated this project is for new water lines, sewer lines and drains on Commercial St, Beach Court and Pascucci Court, and Fort Square. The storm drain system will be replaced. The catch basin will be where they are now. Blasting will occur within the 100 foot buffer.

Ms. Pietro spoke to impacts to resource.

Commission Comments:

Ms. Press stated in reviewing the way the Order was written under the DPW orders; the commission did not put a condition saying no blasting. It was issued on the old forms. The DPW orders should be revisited and take out conditions that do not apply any more.

Mr. Gulla asked if the outfalls flows will increase and if less sediment would be going into the resource. The concern is increasing outfall flow and creating erosion issues. The opportunity is here to upgrade where the flows are shooting out. Other areas are being upgraded and this should be done also.

Mr. Gove stated the flows would be approximately the same, except in the Fort area where the outfall will increase to pick up that flow. The Fort area has several catch basins. The catch basins in the Fort will be picked up and brought to the outfall on the beach.

Mr. Gulla asked Mr. Gove and Ms. Pietro for the definition of the "minimal increase" and at the end point into the resource area- what will the end result be.

Public Comment:

Mike Faherty, representing Mortillaro Lobster

Mr. Faherty stated he is in favor of the project.

DEP has issued a super-ceding order of resource delineation. They found that the landform is a barrier beach and contains coastal dunes. Mortillaro is located at 58-60-65 Commercial St and the proposal is to take the existing outfall pipe and expand it. It will increase the flow which goes into the inner harbor. The concern is about the sediments. Mortillaro Lobster is included in the NOI and they have not assented to that or to the construction of the pipe. The outfall pipe on the beach is at .7 inches above mean water. At half tide it is out the water and the other half it is in. If additional flows are being taken from the other side of the fort and dumping them into the pipe is a potential issue. In all of the discussions with Beauport; the recommendation of AECOM was that none of the Birdseye flow was supposed to go into Commercial St. It is supposed to go into an infiltration system; the overflow and basins leading into the driveways into Commercial St were supposed run down to beach front and connect to outlet pipe that connects to the beach.

Mr. Gulla asked the AECOM representative to determine the increase in the outfall and make sure the flows are correct and what the velocity is now and what they are going to be and is anything needed to be done to the pipes to reduce scouring.

Paul Keane, City of Gloucester, City Engineer,

Mr. Keane stated the City wants to proceed with the project and all questions regarding the other project will be addressed to the commission.

Motion: To continue the project for The Fort Improvements Project -Commercial St., Fort Square, Pascucci and Beach Courts Notice of Intent submitted by City of Gloucester, DPW, to conduct infrastructure and roadway improvements in the buffer to a coastal resource area, (Maps 1, 2, & 7) to May 15, 2013.

1st: Ann Jo Jackson

2nd: John Feener

Vote: Approved 5-0

C. New- 283 Concord St Notice of Intent submitted by Dennis McGurk, to remove replace and expand a garage and foundation and to remove trees in the buffer to ACEC coastal resource area. (Map 249, lot 13).

Presenter: Dennis McGurk, 283 Concord St

Mr. McGurk stated he is replacing & expanding his garage. Several trees will need to be removed.

Commission Comments:

Ms. Press stated the site is buffer to upland edge. Mitigation will be needed. A site visit should be conducted to determine the best areas for mitigation.

Public Comment: None

Motion: To continue the project at 283 Concord St Notice of Intent submitted by Dennis McGurk, to remove replace and expand a garage and foundation and to remove trees in the buffer to ACEC coastal resource area. (Map 249, lot 13), to May 1, 2013

1st: Ann Jo Jackson

2nd: Charles Anderson

Vote: Approved 5-0

D. Continuation- 28-2265- 49 Parker – Notice of Intent submitted by Jack LeVie, to construct a 2nd story deck over an existing deck and to construct a 60’ retaining wall in the buffer to a coastal resource area. (Map 54, lot 61).

Motion: To continue the project at 49 Parker – Notice of Intent submitted by Jack LeVie, to construct a 2nd story deck over an existing deck and to construct a 60’ retaining wall in the buffer to a coastal resource area, (Map 54, lot 61) to May 15, 2013.

1st: Ann Jo Jackson

2nd: Charles Anderson

Vote: Approved 5-0

VI. Block 3*

A. Continuation- 28-2257- 259 Washington Street, Notice of Intent submitted by Gloucester Housing Authority, to reconfigure and expand a paved parking area in the buffer to an inland resource area. (Map 105, lot 7)

Motion: To continue the project at 259 Washington Street, Notice of Intent submitted by Gloucester Housing Authority, to reconfigure and expand a paved parking area in the buffer to an inland resource area, (Map 105, lot 7) to May 1, 2013.

1st: Ann Jo Jackson

2nd: Charles Anderson

Vote: Approved 5-0

B. . Continuation- 28-2255- 31 Stanwood Avenue, Notice of Intent submitted by Michelle & Mathew Tallgrass, to construct a single family home with associated grading and utilities in a riverfront resource area. (Map 230, lot 158).

Applicant requests continuation to May 1, 2013.

Motion: To continue the project at 31 Stanwood Avenue, Notice of Intent submitted by Michelle & Mathew Tallgrass, to construct a single family home with associated grading and utilities in a riverfront resource area. (Map 230, lot 158) to May 1, 2013.

1st: Ann Jo Jackson

2nd: Charles Anderson

Vote: Approved 5-0

VII. AS TIME PERMITS: COMMISSION BUSINESS

A. Requests for Letter Permits/Modifications

DUPLICATE ORDER- 28-2006

- B.** Requests for Certificates of Compliance
28-329 13 Pond Rd
28-1655- 667 Essex Ave

Motion: To approve the Certificates of Compliance for 13 Pond Road and 667 Essex Ave.

1st: Ann Jo Jackson

2nd: Charles Anderson

Vote: Approved 5-0

Motion: To adjourn

1st: Ann Jo Jackson

2nd: Charles Anderson

Vote: Approved 5-0

***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