

**CONSERVATION COMMISSION
MINUTES OF MAY 24, 2007**

Meeting was held in the lower conference room at the Mary A. Alley Building, 7 Widger Road

Meeting was called to order at 7:00 PM

Present were: Commission Members Walt Haug, Fred Sullivan, Craig Smith, Mark Klopfer and Betsy Rickards. Also present was Doug Saal, Conservation Administrator.

The hearings were conducted under the Massachusetts Wetlands Protection Act and the Marblehead Wetlands Protection Bylaw.

Note: The commission currently has only five members. Per the MACC Handbook, section 4.1.2, most lawyers agree that a quorum is "...a majority of commissioners currently serving". The quorum for this meeting is therefore three members.

Discussion: Appeared Kevin Bugler of 17 Sunset Road to discuss the removal of trees, which he had already removed. All of the trees in question, except one, which were removed, were located between the 50 ft. and 100 ft. buffer zones to a coastal bank. One tree is located about three feet landward from the top of this coastal bank. It is a Norway Maple. Bugler said all of the trees removed were sick or dying, the tops of which had been blown off a number of years ago. He would like to grind the tree stumps and plant grass. The commission decided to allow him to remove the Norway Maple provided he plants shrubs (ala Rosa Rugosa) along the entire length of the Top of Coastal Bank. The commission reminded Bugler that no work can be done within a resource area or its buffer zone without first checking with the commission. No further administrative action was taken by the commission.

40-921 14 NONANTUM ROAD THIBODEAU

Resource Area: Coastal Bank, Rocky Intertidal Shores, Land Subject to Coastal Storm Flowage

Interest of WPA and Bylaw: Flood Control, Storm Damage Prevention, Prevention of Pollution

Appeared: M/M Greg Thibodeau

Control Documents: As submitted with the NOI, in particular, attachments C, G and H.

Thibodeau explained the project and the commission had no objections to the work on the east side of the house, i.e., deck expansion A and B and new stairs. While a majority of the commission did not see, in principle, any adverse effect to a deck on the north side (over hanging the coastal bank), it raised many questions as to construction, etc.

Al Enos of 8 Nonantum Road questioned the elevation of the flood zone. Saal explained the difference between MVD (Marblehead Vertical Datum) and NGVD 1929 (National Geodetic Vertical Datum of 1929). The datum used by Thibodeau is NGVD 1929, being approximately 4.25 ft. above MVD. A further question was raised by the audience (including Gail Chalifour) regarding the description of the scope of the work. In addition to the description provided with the NOI (attachment C, dated April 30, 2007), the commission was also shown two other descriptions, one dated April 12, 2007 and another dated May 18, 2007 (in a letter of approval from Bessom Associates, Inc., signed by Robert T. Marsilia, President). Each document had a different description of the work. The commission told the applicant and the audience that it would work only from the description submitted with the NOI. Further, the commission said it is the responsibility of the members of the Bessom Associates, Inc. to resolve any issues regarding the differences among the three descriptions. The commission also reminded all parties that approval by the commission does not void or replace/supersede any other legal requirements for which the applicant is responsible. Tom Amsler, a member of the Association, said the Association board approved the plans as submitted with the NOI (with the change of length of the north side deck reduced from 28 feet down to 25 feet).

The DEP file number form noted the following: "Insufficient information. Needs engineered plans for riprap wall repair." The commission required (1) a more detailed drawing showing the construction of the new ramp, (2) a larger scale drawing showing the area between the north side of the house and the coastal bank, (3) more detail about the soil conditions in the area between the house and the coastal bank, (4) a detailed engineered drawing and description of the repair of the riprap including the kind of material to be used and how it will be brought to the site, (5) a description of how the concrete pedestal at the head of the existing ramp will be repaired and (6) more detail on the construction of the cantilevered deck and its footings.

With the concurrence of the applicant, all members voted to continue this hearing to June 14, 2007.

40-923 DAVENPORT ROAD REDMOND

Resource Area: Coastal Bank, Rocky Intertidal Shores, Land Subject to Coastal Storm Flowage

Interest of WPA and Bylaw: Flood Control, Storm Damage Prevention, Prevention of Pollution

Appeared: R. McCann, atty., R. Griffin of Griffin Engineering Group, LLC, K. Bradford of Bradford Design Associates and M/M Redmond.

Control Documents: Site Plan to Accompany NOI, K. Redmond, 3 Davenport Road, prepared by Griffin Engineering Group, LLC, dated 05/10/07 and NOI Redmond Residence prepared by Bradford Design Associates, dated 03/27/07, revised 05/09/07.

Griffin explained the site and proposed construction. The 23x5 terrace projects by approximately 10-15% into the No Build Zone but the commission saw this as allowable since it is an open deck and represents a very small area. The commission also noted the number of proposed drywells and congratulated the applicant for this foresight. Bradford explained the proposed landscaping, describing the number of trees to be removed on that portion of the site whereon the house will be located. She said Norway Maples have a root system that prevents other plants or tree species from becoming established. She then explained the plantings on that portion of the site directly abutting the coastal bank. A portion of the existing turf will be removed and replaced with grasses and perennials. She also noted that the driveway will not be loose stone (pea stone) since this stone could clog up the trench drain in the driveway. Pavers will be used instead. All members voted to close this hearing. All members voted to issue an OOC with the following special conditions.

Pre-construction:

1. All special conditions are to be included in the construction contracts between the applicant and his/her contractor.
2. A drawing of the erosion control techniques to be used on site shall be included in the construction contracts between the applicant and his/her contractor.

During construction:

3. There shall be no cleaning or rinsing of cement concrete ready-mix trucks, or cement concrete mixing equipment, such that the byproduct of the cleaning or rinsing operation finds its way to any resource area by any means, especially, but not limited to, by means of a storm drainage system (catch basins, pipes, drainage ditches, etc.).
4. To the maximum extent possible, all driveways, terraces, patios or similar ground-level surfaces will be constructed as permeable surfaces to allow water to infiltrate through their surfaces into the ground on site
5. All demolition debris will be removed from the site ASAP and not stored within a resource area or a buffer zone. If a dumpster is used to contain the debris, the dumpster shall be covered. The debris shall be properly disposed of in accordance with applicable federal, state and local regulations.
6. All construction material will be stored outside the resource area and its buffer zone or as far back from the resource areas as possible.

Post-construction/in perpetuity:

7. By voluntary agreement with the applicant, only organic fertilizers are to be used on the property landward of the resource areas. Fertilizers should not contain pesticides or herbicides; should contain slow release nitrogen and should not contain more than 3%

phosphorous. To mitigate chemical runoff, do not fertilize directly before a rainstorm and do not over fertilize. Apply fertilizer in late April and in September (refer to: A Homeowner's Guide to Environmentally Sound Lawncare published by the Massachusetts Department of Food and Agriculture and the booklet, Don't Trash Grass, published by the Massachusetts Department of Environmental Protection). This condition shall survive this order.

8. Maintenance pointing of existing stone masonry walls including the replacement of occasional, missing stones in the wall is allowed as a surviving condition to the Order of Conditions. The future razing, any rebuilding of entire wall sections or enlarging of the subject wall(s) will require the filing of a new Notice of Intent. This condition shall survive this order.

9. All gangways, docks, stairs or other items not permanently secured to the earth shall be stored during the "off season" (late fall, winter, early spring) so as to prevent them from causing any damage to other structures or resource area. This condition shall survive this order.

10. All gangways, docks stairs or other items not permanently secured to the earth shall be properly secured and/or removed in the event of a major storm so as to prevent them from causing any damage to other structures or to the resource area. This condition shall survive this order.

11. Invasive plants shall not be used nor maintained in the landscape of the project site. This applies to the existing landscape as well as to any proposed landscape. A list of invasive plants in Massachusetts can be found in the latest update of The Evaluation of Non-Native Plant Species for Invasiveness in Massachusetts (with annotated list) produced by the Massachusetts Invasive Plant Advisory Group. For most recent update, visit www.mnla.com or www.newfs.org.

12. Upon completion of the work allowed under this OOC, the applicant shall within 30 days apply for a Certificate of Compliance (COC) and, if required by the commission, submit an "as built" drawing with the application for the COC.

40-922 147 FRONT STREET M'HD HARBOR CONDOMINIUM TRUST

Resource Area: Coastal Bank, Land Subject to Coastal Storm Flowage

Interest of WPA and Bylaw: Flood Control, Storm Damage Prevention, Prevention of Pollution

Appeared: No one

Control Documents: As submitted within the NOI and including a project memo from Structures North re: Adams House, dated 10 May 2007

This was a continuance from May 10, 2007. Four members voted to close this hearing (one abstained). Four members voted to issue an OOC with the following special conditions (one abstained).

Pre-construction:

1. All special conditions are to be included in the construction contracts between the applicant and his/her contractor.
2. A drawing of the erosion control techniques to be used on site shall be included in the construction contracts between the applicant and his/her contractor. The debris netting is to be inspected and approved by D. Saal before any demolition is started.
3. Re-shingling, where required, is allowed under this OOC.

During construction:

4. There shall be no cleaning or rinsing of cement concrete ready-mix trucks, or cement concrete mixing equipment, such that the byproduct of the cleaning or rinsing operation finds its way to any resource area by any means, especially, but not limited to, by means of a storm drainage system (catch basins, pipes, drainage ditches, etc.).
5. All demolition debris will be removed from the site ASAP and not stored within a resource area or a buffer zone. If a dumpster is used to contain the debris, the dumpster shall be covered. The debris shall be properly disposed of in accordance with applicable federal, state and local regulations.
6. All construction material will be stored outside the resource area and its buffer zone or as far back from the resource areas as possible.
7. Any pressure-treated wood proposed to be used in the construction of a structure for land -based use (contacting with soil) shall be arsenic-free. Any pressure-treated wood proposed to be used in the construction of a structure for salt water contact shall be treated with Chromated Copper Arsenate (CCA) or other preservative approved by the EPA and/or MADEP which is less polluting and harmful to the salt water and its environment.

Post-construction/in perpetuity:

8. Upon completion of the work allowed under this OOC, the applicant shall within 30 days apply for a Certificate of Compliance (COC) and, if required by the commission, submit an "as built" drawing with the application for the COC.

Old/New Business:

Approve Minutes: The minutes from May 10, 2007 were approved with one change.

Sign Documents: All documents per the agenda were signed.

Other Matters:

Greenspace Northshore: Marblehead did not participate this year in the Greenspace Northshore program but the commission agreed it will make an effort to gain participation next year. It was suggested the commission make a common effort with the Marblehead Conservancy, the Marblehead Pesticides Awareness Committee and the Board of Health.

40-782 Causeway Seawall: All members voted to extend this OOC for one year to July 1, 2008.

The meeting was adjourned at 9:30 PM.