

**CONSERVATION COMMISSION  
MINUTES OF JUNE 28, 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 and Craig Smith. Also present were Jan Smith, Associate Member, and 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.

**40-000 7 REDSTONE LANE SMITH**

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: Mr. Smith, Trustee

Control Documents: Plan Accompanying Petition of Deborah J. Smith, 7 Redstone Lane, no date, signed and stamped by Daniel J. Lynch (sheets 1/2 and 2/2); photographs of the seawall and Chap.91 License No. 3223

The applicant was informed that the DEP File No. and form had not been received and the commission will discuss the application but no OOC can be issued until the foregoing is received. The material behind the seawall will be excavated to a depth of ca. 5-8 feet to allow landward access to the damaged wall. The rocks which have fallen out of the wall will be restored in the wall, using a dry lay-up (no mortar). No construction debris will be generated. To re-enforce the wall, blocks of granite 2 ft. x 4 ft. x 12 ft. long will be introduced into the wall to act as "dead men". In addition, blocks of granite, 5 – 6 ft. long, will be laid up at the north-east corner of the wall to further buttress this corner. With these blocks, this corner will now extend further out into the harbor by ca. 1-2 ft. A barge (20 ft. x 50 ft, drawing ca. 1 – 1 ½ ft.) will be used to deliver and place the granite. The barge will remain ca. 5 ft. from the wall face and will not bottom out since the water depth at this location is a minimum of 6 ft. All members voted to continue this hearing

to July 12, 2007. In the event an OOC is issued, it will contain, at a minimum, 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 proposed re-structuring of the northeast corner of the wall with granite blocks will be submitted to the commission before any work is started. This drawing will show the manner of lay-up of the granite blocks and will show dimensions to indicate the extent to which this new construction extends out into the harbor.
3. This project will be reviewed with DEP (Chapter 91 license) regarding the extension of the wall out into the harbor. A written confirmation of the DEP decision will be submitted to the commission before any work is started.
4. The contact persons, addresses and telephone numbers of the contractors, Andy Smith Marine and Toby of Gloucester, will be submitted to the commission before any work is started.

**During construction:**

5. All construction material will be stored outside the resource area and its buffer zone or as far back from the resource areas as possible.
6. Geotextile fabric will be installed along the landward face of the wall.

**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. 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 of June 14, 2007 were approved.

**Minor Activities:** D. Saal reported on the Minor Activity permit for 8 Bass Rock Lane.

**Sign Documents:** All documents per the agenda were signed.

**Other Matters:**

**Green Street Muldoon:** P. Lynch appeared to inform the commission about the intention of J. Muldoon (Redstone Realty Corp.) to construct dwellings at the corner of Green Street and Beacon Street. It was agreed that the commission would decide at the July 12 meeting on a date for a site visit. Lynch left one copy of the drawings showing the proposed construction, site conditions re wetlands, etc. for prior review. He will provide additional copies of the plans by July 12.

**Emergency Order 100-102 Harbor Avenue:** Appeared Jack Attridge on behalf of the owner requesting an E.O. for a small seawall repair. Per Attridge, the owner intends to file an NOI for other work on the property within the next few weeks. The commission agreed to the E.O. to replace the missing stone, install geotextile fabric behind the wall and re-fill with flowable fill.

**Tree Removal within Buffer Zones:** After discussion, the commission decided this topic should be addressed on a case-by-case basis. In general, the following guidelines will be used:

- No trees are to be removed in a resource area.
- File an RFD for trees in the No Disturb Zone.
- The tree should be 50-100% dead
- The quantity of trees to be removed is critical.
- Is/are replacement(s) required? (See guidelines established for conservation lands)
- The applicant will inform the commission after the tree(s) has/have been removed to allow for monitoring by the commission.

**Goldthwait Reservation:** Members are invited to attend at their discretion.

**Black Joe’s Pond:** M.C. Wellinger has appealed the DEP Superceding Order for 40-880

The meeting was adjourned at 8:35 PM.

