

**Marblehead Conservation Commission
Minutes February 12, 2015**

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

Meeting was called to order at 7:10 PM

Present were: Commission Members Brian LeClair, Fred Sullivan, David Depew, David VanHoven and Kenneth Fisher. Also present was Willy Lanphear, Conservation Administrator.

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

Note: The commission currently has six 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 four members.

Approval of Minutes: A motion was made and seconded to approve the minutes of January 15, 2015 (Regular and Executive Sessions). All members voted in the affirmative.

HEARINGS:

NOI 40-1178, 26 Harbor Avenue

Proposed: Repairs and alterations to stabilize and protect the existing seawall

Continued from 7/10/2014 and 12/11/2014 (LeClair, Depew, Sullivan, Tritschler, VanHoven)

Control Drawings: Site Plan from Hayes Engineering (June 29, 2011) and a plan from Stephens Associates Consulting Engineers (undated)

The Commission voted to continue this hearing to the March 12, 2015 meeting.

NOI (Local Bylaw only), 13R Green Street (Joel W. Reynolds Playground) off Lime St

Applicant: Town of Marblehead, Recreation & Parks Department

Appeared: Bethany Ordnung, P.E. Haley and Ward, Inc.

Proposed: Excavation of peat deposits, raising the level of the ground surface, and renovations to existing athletic fields

Continued from 9/11/2014 (LeClair, Depew, Sullivan, Tritschler, VanHoven)

Control Drawings: Drainage and Grading Plan, Storm Water Storage Chamber Details

The new plans have doubled the storm water storage.

All members voted to close the hearing. The Commission voted to issue an order of conditions with the following special conditions:

During construction:

32. This project shall not cause an increase in run-off onto adjacent properties or streets, either during construction or after completion. Appropriate measures shall be taken to prevent the movement of silt or debris onto adjacent properties, streets and Resource Areas.

33. 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.).

34. To the maximum extent possible, all driveways, terraces, patios or similar ground-level surfaces shall be constructed as permeable surfaces to allow water to infiltrate through their surfaces into the ground on site.

35. All demolition debris shall be removed from the site as soon as possible and not stored within a resource area or a buffer zone. If a dumpster is used to contain debris, the dumpster shall be covered after each work day. The debris shall be properly disposed of in accordance with applicable federal, state and local regulations.

36. All construction material shall be stored outside the resource area and its buffer zone or as far back from the resource areas as possible.

Post-construction/in perpetuity:

40. 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 Lawn care 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.**

50. 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. **This condition shall survive this order.**

54. The control drawing/s for this project were prepared by a licensed Professional Engineer. The construction of this project shall be regularly inspected by said licensed professional to insure that the project complies with the control drawing/s. Upon completion of the work

authorized by this OOC, said licensed professional shall submit a written statement to the Conservation Commission certifying that the completed work is in substantial compliance with the control drawing and setting forth any deviations that may exist between the completed work and the plan approved by the Conservation Commission.

55. Upon completion of the work allowed under this Order of Conditions the applicant shall apply for a Certificate of Compliance (COC) (a) within 30 days after completion of the work or (b) thirty (30) days prior to the expiration date of the original or extended OOC, whichever time comes sooner. If no work was started under the OOC or if some of the work will not be performed, the applicant must still apply for a Certificate of Compliance at least 30 days prior to the expiration of the OOC. The Conservation Commission may require the submission of an "as built" drawing (signed and stamped by a licensed Professional Engineer or licensed Professional Land Surveyor) with the application for the COC. Failure to submit an application for a COC shall result in a fine issued against the applicant in accordance with Marblehead Bylaws Chapter 194, Section 11E. **See Attachment "C" for "Schedule of Fines"**.

RDA 21 Prince Street

Applicant: John L. Hyland

Proposed: Construction of new single family dwelling

Continued from 11/13/2014 (LeClair, Depew, Sullivan, VanHoven)

The Commission voted to continue this hearing to the April, 2015 meeting.

NOI 40-1190, 6 Corn Point Road

Appeared: Scott Patrowicz, Patrowicz Land Development Engineering

Proposed: Removal of some trees, Site re-grading, Driveway relocation, Construct wall and walkways & Landscaping

Continued from 1/15/2015 (LeClair, Depew, Sullivan, Fisher, VanHoven)

Supplied a 2-rail safety fence drawing dated January 15, 2015

The Filing needs detail for fencing. Fencing will not have concrete footings

All members voted to close the hearing. The Commission voted to issue an order of conditions with the following special conditions:

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33. 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.).

34. To the maximum extent possible, all driveways, terraces, patios or similar ground-level surfaces shall be constructed as permeable surfaces to allow water to infiltrate through their surfaces into the ground on site.

35. All demolition debris shall be removed from the site as soon as possible and not stored within a resource area or a buffer zone. If a dumpster is used to contain debris, the dumpster shall be covered after each work day. The debris shall be properly disposed of in accordance with applicable federal, state and local regulations.

36. All construction material shall be stored outside the resource area and its buffer zone or as far back from the resource areas as possible.

Post-construction/in perpetuity:

40. 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 Lawn care 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.**

41. Maintenance pointing and repairs of existing stone masonry walls and concrete walls including the replacement of an occasional missing stone or patching cracks and minor defects in a concrete wall are allowed as a surviving condition to this Order of Conditions. **The property owner shall inform the Conservation Commission in writing at least seven days prior to any proposed repointing or repair work on existing walls.** All dislodged and removed mortar/cement will be immediately contained and removed from the work site to prevent any such material from entering the resource waters. Any future razing, rebuilding or enlarging of the subject wall(s) will require the filing of a new Notice of Intent. **This condition shall survive this order.**

50. 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. **This condition shall survive this order.**

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NOI 40-1191, 9 Roydon Road

Appeared: Robert M. York (owner) and Scott Patrowicz, Patrowicz Land Development Engineering

Proposed: Reconstruct existing seawall. Construct new deck and stairs. Construct new retaining walls, patio with fire pit, walkways, shed, driveway pavers & fencing.
Repairs to existing deck.

Control Drawing: Proposed site plan prepared by Patrowicz Land Development Engineering

The size of the walls was reduced from prior plans. The commission requested detail for the stone wall (including the pinning).

All members voted to close the hearing. The Commission voted to issue an order of conditions with the following special conditions:

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33. 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.).

34. To the maximum extent possible, all driveways, terraces, patios or similar ground-level surfaces shall be constructed as permeable surfaces to allow water to infiltrate through their surfaces into the ground on site.

35. All demolition debris shall be removed from the site as soon as possible and not stored within a resource area or a buffer zone. If a dumpster is used to contain debris, the dumpster shall be covered after each work day. The debris shall be properly disposed of in accordance with applicable federal, state and local regulations.

36. All construction material shall be stored outside the resource area and its buffer zone or as far back from the resource areas as possible.

40. 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 Lawn care 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.**

41. Maintenance pointing and repairs of existing stone masonry walls and concrete walls including the replacement of an occasional missing stone or patching cracks and minor defects in a concrete wall are allowed as a surviving condition to this Order of Conditions. **The property owner shall inform the Conservation Commission in writing at least seven days prior to any proposed repointing or repair work on existing walls.** All dislodged and removed mortar/cement will be immediately contained and removed from the work site to prevent any such material from entering the resource waters. Any future razing, rebuilding or enlarging of the subject wall(s) will require the filing of a new Notice of Intent. **This condition shall survive this order.**

42. The repair/replacement of small sections of damaged caps on seawalls is allowed as a surviving condition. All dislodged and removed caps will be immediately contained and removed from the work site to prevent any such material from entering the resource waters. Prior to any work, the scope of the proposed repair/replacement must be approved by the Conservation Commission. If the cap on a major length or on an entire wall needs to be repaired/replaced, this requires an NOI. **This condition shall survive this order.**

44. The back-filling of small areas of erosion landward of a seawall is allowed as a surviving condition provided the erosion is not on a coastal bank. This back-filling applies to areas defined primarily as Land Subject to Coastal Storm Flowage. Any work on a coastal bank requires an NOI. The back-fill material must be clean and compatible with the eroded material. Prior to any back-filling, the scope of the proposed back-filling must be approved by the Conservation Commission. **This condition shall survive this order.**

45. When a pool/spa/hot tub is to be drained, no chlorine or other chemicals are to be added to the pool water for a period of at least four (4) days prior to draining to allow for the chlorine and other chemicals to dissipate; and there shall be an appropriate sign placed permanently at or immediately adjacent to the pool/spa/hot tub drainage valve or mechanism indicating this requirement. The method of pool drainage shall be such as to prevent any soil erosion by the draining water and to allow the draining water to seep into the ground prior to entering any resource waters. No direct discharge to resource waters is allowed. **This condition shall survive this order.**

50. 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. **This condition shall survive this order.**

54. The control drawing/s for this project were prepared by a licensed Professional Engineer. The construction of this project shall be regularly inspected by said licensed professional to insure that the project complies with the control drawing/s. Upon completion of the work authorized by this OOC, said licensed professional shall submit a written statement to the Conservation Commission certifying that the completed work is in substantial compliance with the control drawing and setting forth any deviations that may exist between the completed work and the plan approved by the Conservation Commission.

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102. A tarp will be laid down at the base of the seawall during all repair work to capture all construction debris. The tarp will be on the seaward side of the seawall. The tarp will be rolled up and dumped into a disposal trailer as required throughout the work day and will be removed at the end of each work day.

NOI 40-1187, 7 Brown Street

Applicant: Cognata Barone Realty Trust

Proposed: Invasive species control program and vegetation management plan

Because no DEP file number was available for this project, the Commission voted to continue this hearing to the March 12, 2015 meeting.

RDA 36 Franklin Street

Appeared: Craig Bosworth, Architect and Mark Healey property owner

Proposed: removal of an existing deck and construction of a new deck and stairs, and repairs to existing masonry stairs

Control Drawings: Plans prepared by Craig Bosworth, architect and Site Detail Plan prepared by North Shore Survey Corp

The Commission requested that construction fencing be used to mitigate windblown material.

All members voted to close the hearing. The Commission voted to issue a negative determination.

NOI 40-????, 22 Foster Street

Appeared: Peter Ogren from Hayes Engineering

Proposed: demolition of the existing house and garage and removal of existing pavement, construction of a new house and garage with patios, drainage system and landscaping.

Control Drawings: Site plan prepared by Hayes Engineering (January 26, 2015)

Mr. Ogren presented the delivery receipt cards.

Applicant will check with the Registry of Deeds to see if the previous Order of Conditions was recorded.

Because no DEP file number was available for this project, the Commission voted to continue this hearing to the March 12, 2015 meeting.

OLD AND NEW BUSINESS:

Old Business:

None

New Business:

None

Enforcement Orders & letters issued:

- 40-1037, 7 Mooring Rd, Louisa & Nathaniel Greene
A letter (dated February 4, 202015) from their lawyer, Paul Feldman was submitted.

Emergency Certificates issued:

- Glover Landing Condominiums, Glover Landing Condominium Trust, for Snow Disposal
 - Snow disposal was necessary for fire safety reasons.

Request for changes in project scope:

- None

Requests for COC:

NOI 40-467, 18 Harbor View

The Commission voted to approve the Certificate of Compliance

Meeting was adjourned at 8:40 PM.